

THE ENGLISH HISTORICAL REVIEW



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THE ENGLISH HISTORICAL REVIEW

EDITED BY
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AND FELLOW OF MAGDALEN COLLEGE AND OF THE BRITISH ACADEMY

VOLUME XXVI.

1911



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LONGMANS, GREEN AND CO.

89 PATERNOSTER ROW, LONDON
NEW YORK BOMBAY AND CALCUTTA

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CONTENTS OF VOL. XXVI.

	PAGE
<u>RAGNALL IVARSON AND JARL OTIR. By Sir Henry H. Howorth,</u> <u>K.C.J.E.</u>	<u>1</u>
BURGUNDIAN NOTES. I. THE ALPINE SON-IN-LAW OF EDWARD THE ELDER. By <i>Reginald L. Poole, LL.D.</i>	310
<u>A LATIN POEM ADDRESSED TO KING ATHELSTAN. By W. H.</u> <u>Stevenson</u>	<u>482</u>
<u>CLUNY AND GREGORY VII. By Miss Lucy M. Smith</u>	<u>20</u>
POPE GREGORY VII'S DEMAND FOR FEALTY FROM WILLIAM THE CONQUEROR. By <i>Z. N. Brooke</i>	225
<u>WALDRIC THE CHANCELLOR OF HENRY I. By H. W. C. Davis . .</u>	<u>84</u>
A DATED CHARTER OF HENRY I (1105). By the <i>Rev. H. E. Saller</i> .	487
ADELARD OF BATH. By <i>Professor C. H. Haskins</i>	491
THE WEIGHER OF THE EXCHEQUER. By <i>J. Horace Round, LL.D.</i> .	724
ENGLAND AND SICILY IN THE TWELFTH CENTURY. By <i>Professor</i> <i>Haskins</i>	433, 641 —
<u>MARY, ABBESS OF SHAFTESBURY. By John Charles Fox . . .</u>	<u>317</u>
<u>THE INQUEST OF 1171 IN THE AVRANCHIN. By Professor Haskins</u>	<u>326</u>
THE HONOUR OF MORTAIN IN THE NORMAN INFEUDATIONES MILITUM OF 1172. By <i>Professor F. M. Powicke</i>	89
EARLY MANUMISSIONS AT STAUNTON, NOTTINGHAMSHIRE. By <i>F. M. Stenton</i>	93
<u>THE ORDER OF THE TEMPLE AT NORTH FERRIBY. By Egerton</u> <u>Beck</u>	<u>498</u>
<u>CONFIRMATIONS OF OXFORD CHANCELLORS IN THE LINCOLN</u> <u>EPISCOPAL REGISTERS. By Strickland Gibson</u>	<u>501</u>
THE CUSTOMS REVENUE OF EDWARD II. By <i>Sir James H. Ramsay,</i> <i>Bt., LL.D.</i>	97
<u>THE YEAR BOOKS OF EDWARD II. By Professor W. M. Geldart .</u>	<u>239 —</u>
<u>GRANT BY KING ROBERT BRUCE OF THE SHERIFFDOM OF CROMARTY,</u> <u>By F. Madan</u>	<u>328</u>
<u>THE ORIGIN OF THE NAME 'PIPE ROLL'. By Sir J. H.</u> <u>Ramsay</u>	<u>329, 749</u> ~
<u>THE ARREST OF ROGER MORTIMER AND QUEEN ISABEL. By C. G.</u> <u>Crump</u>	<u>331</u>

	PAGE
FIREARMS IN ENGLAND IN THE FOURTEENTH CENTURY. By <i>Professor T. F. Tout</i>	666
AN ESSEX MANOR IN THE FOURTEENTH CENTURY. By <i>K. G. Feiling</i>	333
<u>A VISITATION OF THE ARCHDEACONRY OF TOTNES IN 1342. By <i>G. G. Coulton</i></u>	<u>108</u>
A CHRONICLE ROLL OF THE ABBOTS OF ABINGDON. By the <i>Rev. H. E. Salter</i>	727
THE THIRTY-SEVEN CONCLUSIONS OF THE LOLLARDS. By the <i>Rev. H. F. B. Compston</i>	738
<u>TWO BULLS OF BONIFACE IX FOR THE ABBOT OF ST. OSYTH. By <i>Egerton Beck</i></u>	<u>124</u>
A LEGEND OF SIGISMUND'S VISIT TO ENGLAND. By <i>C. L. Kingsford</i>	750
REGINALD PECOCK. By the <i>Rev. E. M. Blackie</i>	448
A DEFENCE OF THE PROSCRIPTION OF THE YORKISTS IN 1459. By <i>J. P. Gilson</i>	512
<u>THE 'LETTERS AND PAPERS OF HENRY VIII'. By <i>Professor A. F. Pollard</i></u>	<u>257</u>
DOCUMENTS ILLUSTRATING THE WARS OF RELIGION, 1569-73. By <i>Maurice Wilkinson</i>	127
A PURITAN SURVEY OF THE CHURCH IN STAFFORDSHIRE IN 1604. By <i>Albert Peel</i>	338
EARLY PRIZE JURISDICTION AND PRIZE LAW IN ENGLAND. III. By <i>R. G. Marsden</i>	34
<u>TWO GOVERNORS OF SHREWSBURY DURING THE GREAT CIVIL WAR AND THE INTERREGNUM. By <i>Miss Hilda Johnstone</i></u>	<u>267</u>
<u>CROMWELL AND SIR HENRY VANE. By <i>Professor C. H. Firth, LL.D.</i></u>	<u>751</u>
<u>ANNA TRAPNEL'S PROPHECIES. By <i>Champlin Burrage</i></u>	<u>526</u>
<u>THE ENGLISH AT TANGIER. By <i>Miss E. M. G. Routh</i></u>	<u>469</u>
<u>SOME UNPUBLISHED LETTERS OF GEORGE SAVILE, LORD HALIFAX, TO GILBERT BURNET. By <i>Miss Dorothy Lane Poole</i></u>	<u>535</u>
LIST OF OPPOSED ELECTIONS ON TAKING OFFICE. By the <i>Rev. Alfred B. Beaven</i>	139
GEORGE I AND PETER THE GREAT AFTER THE PEACE OF NYSTAD. By <i>J. F. Chance</i>	278
<u>BISHOP SEABURY. By <i>Gerald B. Hertz</i></u>	<u>57</u>
<u>THE PANIC OF 1789 IN TOURAINE. By <i>Miss M. A. Pickford</i></u>	<u>703</u>
<u>REVIEWS OF BOOKS</u>	<u>149, 353, 543, 755</u>
<u>SHORT NOTICES</u>	<u>200, 410, 616, 829</u>
<u>INDEX</u>	<u>851</u>

THE ENGLISH HISTORICAL REVIEW

NO. CI.—JANUARY 1911 *

Ragnall Ivarson and Jarl Otir

THERE are few periods of history so distressing to the historian as the two centuries during which the northern pirates, like a swarm of wasps, overspread the maritime districts of western Europe, and converted its rivers into mere highways for brigandage; when everything that men value as civilisation was being ruthlessly destroyed; when abbey and church, palace and farmstead, were burnt and their inmates slaughtered; when the reviving arts with a reviving literature were being trodden under and almost stamped out, and the world seemed to be moving backwards towards the chaos whence it sprang. Among those who were most active and most ruthless in the savage work were Ragnall Ivarson and Jarl Otir, whose acts have never, I believe, been brought together into a continuous story. Ragnall was probably the grandson or great-grandson of that greatest of all pirates, Ragnar Lodbrog, who stands with one foot in the heroic and the other in the sober world of history, and whose career throws a lurid light on the frontier between both. It was the savage way in which this arch-pirate was put to death in England—a fashion which he had doubtless practised on others—that probably led to the persistent campaign of heartless cruelty which his descendants dealt out to the Christian communities of the west, and especially to those of Britain and Ireland. He was the ancestor, in fact, of a clan whose handiwork was more prominent than that of all the other piratical clans put together. This clan in the Irish annals became known from his son Ivar, the father of the main subject of this article, as the Hy Ivar, or as we should now write it O'Ivar. The initial particle in such names corresponds to that of Mac in the nomenclature of the Scottish clans. In either case it would seem to have originally meant 'son' and is sometimes used in

that sense in the annals; but it came to mean 'descendant' and to represent the whole clan derived from the original chief who first bore the name.

It will be well to name our materials. The highest authorities for our history in the first quarter of the tenth century are very unsatisfactory and jejune. Especially is this the case with the *English Chronicle*: it becomes so bald at this period, and its notices so crude and short, that even in regard to English affairs we have to rely largely on foreign authors. Another English source of quite equal value with the *Chronicle* is the *Historia Regum* incorporated in the work attributed to Symeon of Durham, but much older than his time and very useful for northern affairs. A late writer, Roger of Wendover, had apparently before him a copy of the *English Chronicle*, now lost, and furnishes some material not found elsewhere. William of Malmesbury has similarly had access to special information and traditions about the great benefactor of his house, Athelstan. These English notices may be slightly supplemented by an occasional entry in the Welsh chronicles, the *Annales Cambriae* and the *Brut y Tywysogion*, and by the *Chronicle of the Picts and Scots*, a Latin translation of an Irish text. The Irish annals at this time are much better than the English ones. They are dry and otiose, and consist largely of a series of entries reporting battles, bloodshed, and murders, and their chronology badly needs criticism; but they are generally to be relied on, and in reference to the actual doings of the pirates they have a large number of entries of importance. With regard to the continental authorities, I have entirely avoided the narratives of the two Norman historians, Dudo of St. Quentin and William of Jumièges, who for this period have been shown by the best French critics to be worthless authorities.¹ The only authority of real weight for the doings of the Northmen in France at this time is the *Annals* of Flodoard of Rheims, an excellent, trustworthy, and most important witness, which I have used without stint, and which I have supplemented by the *Chronique of Nantes*, which, although late, is based on good materials, and by the history of Richer, which becomes more useful later on.

One important thing to keep in view continually when dealing with the history of the northern pirates is that they belonged to two different nations, if only to one nationality. Their language, religion, and customs were the same, but politically they belonged to two entirely different communities, which came from Denmark and Norway respectively, where the natives, and especially their chiefs, were deadly rivals and foes, and they carried their rivalry with them into the west. The Irish annals generally distinguish them, calling the Norwegians White Gentiles and the Danes Black Gentiles.

¹ See also my 'Criticism of the Life of Rollo as told by Dudo de St. Quentin' (1874), published in the *Archæologia*, xlv. 235-250 (1880).

The history of Northumbria at the beginning of the tenth century is very obscure. Its old division into two provinces apparently remained. The Northern province, Bernicia, extending from the Forth to the Tees, with its capital at Bamburgh, was governed by a native dynasty, and preserved its continuity and its old history. Its topography shows what very slight influence, if any, the Danes had upon it. From the Tyne to the Tees the southern part of this Northern Northumbria, now constituting the county of Durham, formed the patrimony of St. Cuthbert, and was in effect an ecclesiastical possession, dependent on the lords of Bamburgh. From the Tees to the Humber Yorkshire had become to all intents and purposes a Danish land, and its rulers, with their capital at York, were of Danish blood and belonged to the old royal stock of Denmark, as represented by the O Ivars or Mac Ivars. It is not improbable that this dominion was at times shared by more than one brother, with the eldest or most influential one as overlord.

In the year 906 we read that King Edward the Elder imposed a peace according to his own terms on the East Anglians and the Northumbrians.² In the year 911 we are told that the Northumbrians broke the peace and overran Mercia. They took advantage of the news that the king had gone into the west with his fleet of a hundred ships and had taken his troops with him. They would appear to have made a successful raid, and were returning homewards, when they were overtaken by the joint forces of Wessex and Mercia. A desperate battle was fought in which many thousands were killed. Among the slain the *English Chronicle* names King Eowils (called Eagellus in the *Annals of St. Neot*), and King Healden and Ohter the eorl and Scurfa the eorl and Athulf the hold³ and Benesig the hold and Anlaf 'se Swearta' (i.e. the black) and Thurferth the hold and Osferd 'hlytte' (? collector) and Guthferth the hold and Agmund the hold and Guthferth.⁴ As was often the case, the tale of the dead was on this occasion exaggerated. In reg.^{ms} to the two kings and Earl Scurfa, it may be true that they were killed in this fight, but Earl Ohter (i.e. Otir) will be heard of again. It is probable that while the two kings were of Danish descent, the earls were Norwegians. Ethelwerd and Florence of Worcester both put the battle at Wodnesfeld.⁵ Ethelwerd makes the Danes lose three instead of two kings,

² That is, on the Danes settled there. This treaty was made at Yttingaford, near Linslade, in Buckinghamshire. See MSS. A, B, C, and D of the *Chronicle* and Mr. Plummer's note, *Saxon Chronicles*, ii. 463.

³ *Hold* or *holdr* was a Scandinavian title introduced into England by the Danes. It is defined, says Thorpe, by Bjorn Haldorsen as *dominus fundi aviti vel allodialis*, and in the Index to the Northern Code called *Gragas* as *colonus odalicus vel fundum avitum tenens*; i.e. he was a freeholder. See Thorpe, *A.-S. Chr.* ii. p. 76 n. 4.

⁴ *Engl. Chr.*, MSS. B, C, and D, a. 911. In D the list is imperfect.

⁵ Identified by Mr. C. S. Taylor, *The Danes in Gloucestershire*, p. 47, and by Mr. Plummer, ii. 126, with Wanswell in Berkeley. The name is not given in any copy of the *Chronicle*. Ethelwerd dates the battle on 5 August.

calling the third Iguuar. Florence of Worcester, who only names two, says that they were the brothers of King Hinguar. Ethelwerd closes his notice with the words, *tum ad aulam properavit inferni, maioresque natu eorum duces ac nobiles simul*. He also gives some details not found elsewhere, telling us that the invaders raided as far as the Avon (the frontier of Wessex and Mercia, as he calls it), and then turning to the country of the Severn, wasted the land west of that river, and finally crossed it at Cantabrigæ.⁶

The two kings who were killed in the battle just named, and who led the Northumbrian forces, were possibly joint rulers of the southern part of the ancient kingdom of that name, which consisted of Yorkshire and also included the country west of the Pennines from the Derwent in Cumberland to the Ribble in Lancashire, where the topography is steeped in Scandinavian names. The Western part of the old Northumbrian kingdom was at this time ruled by Athulf, or Eadulf, whom Ethelwerd calls the commander of the town of Bebbanburgh, or Bamburgh. The death of Halfdene and Eowils left the throne of York vacant, and its next occupant was doubtless Ragnall, the hero of our story, who was almost certainly the brother of Halfdene. The first mention of him I have found is in the year 912, when he is styled king, and when we suddenly read of him as making a raid upon central Scotland. This raid was doubtless part of the long campaign which was fought by the kings of Alban (as it was called) before their position was settled, and was perhaps in reply to some attack from the other side. At this time Constantine, son of Hugh, was the king of Alban. He was a vigorous ruler, who mounted the throne in the year 900 and reigned for forty years, which was a long reign in those troubled times, and he greatly consolidated his kingdom. It extended from the Forth to the Spey, beyond which the land was entirely independent of him and was held by the Norwegians. South of the Spey the whole of continental Scotland, from Loch Broom on the west to the Spey on the east, was comprised in the kingdom of Alban. The western islands, except Bute, were all in the hands of the Norwegians, as were the Orkneys and Shetlands. South of the Clyde and as far as the river Derwent in Cumberland was the British kingdom of Strathclyde, which, after being independent for a long time, had now accepted as its king Donald, brother of Constantine.⁷ Constantine's civil capital was Scone, on the east bank of the Tay, in the central district of Gowrie. There the famous consecration stone was kept.

⁶ I.e. Cambridge in Slimbridge, Gloucestershire. Mr. Plummer suggests, *i.e.*, that the redemption of certain lands in Derbyshire a *paganis* earlier than 912 mentioned in a charter (Birch, *Cart. Sax.* 659), and the further mention in another charter (*ibid.* 634) of the ransom of certain books 'æt hæðnum here,' were connected with this invasion.

⁷ See Skene's *Celtic Scotland*, i. 335-346.

Its ecclesiastical capital, now that Iona was in the hands of the pirates, was Dunkeld.

In the year 912, we read in a too terse but very precious sentence in the *Historia Regum* that Reingwald the king and Oter the earl and Oswl Cracabam broke in upon and ravaged Dunblane. Reingwald, it is clear, was the Ragnall O Ivar with whom this article is concerned; and Oter the earl, we can hardly doubt, was the same Otir the earl, who fought at Wodnesfeld the year before, and must have escaped the general carnage. Oswl, surnamed Cracabam, was possibly his brother.⁸ After the burning of Dunblane, King Ragnall and his henchman Earl Otir seem to have parted company for a while—Ragnall probably returned to York, while Otir went off buccaneering to the western parts of France.

Alan the Great, duke of Brittany, died in 907.⁹ He had five sons. Three of these, Pascwethen, Werec, and Budi, apparently died before him and are not mentioned again after the year 903.¹⁰ Two, Rudalt and Derien, survived him. In 909 and 913 the former is styled count of Vannes, but he only possessed a part of the

⁸ It may be interesting to try to identify these two earls more closely. Otir is twice referred to in the Irish annals as the son of Iargne. This Iargne was doubtless the Ierne who arrived in Ireland in 852 with another chief called Stain, and led a fleet of 160 Norwegian ships ('ships of the Finn Ghenti'). The Norwegians were defeated by the Dubh Ghenti (the Danes) after a struggle lasting three days and nights. Stain fled, but Ierne was beheaded (*Chron. Scot.* a. 852). This struggle is mentioned in the *Annals of Ulster* under the year 851, where Ierne is called Eirene (cf. *Annals of the Four Masters*, p. 484). In the year 883 the *Chronicon Scotorum* tells us that the son of Ausli was killed by Otir, son of Eirgni, and by Muirgel, daughter of Maelechlainn, the over-king of Ireland. The *Ulster Annals* on this occasion do not mention Otir's name, but merely call him Mao Ergna (*Annals of the Four Masters*, p. 531, note 5). The notice points to an Irish princess of very high rank, having had some love affair with one, or perhaps both, of the northern chiefs, and shows what an influential person Otir was. In 886 the *Chronicon Scotorum* tells us that Eiremhon, son of Hugh, half-king of Ulster, was killed by Eloir, son of Iargni, who was therefore a brother of Otir. This is also mentioned in the *Ulster Annals* (*ibid.* p. 534, note). From this time Otir, the son of Iargni, disappears for a while from the Irish annals, and it was then apparently that he joined Ragnall at York and took part in the burning of Dunblane. In regard to Osul, surnamed Cracabam, we also have some independent information. His surname Cracaba or Gragabai, meaning 'Crowfoot,' was applied to others, for instance, to the famous Olaf Trygvessen (Adam of Bremen, *Gest. Hammaburg. Eccl. Pontif.*, ii. 38). Steenstrup also mentions it at a much later date, when Henricus Crokebain is named in the *Hundred Rolls*, i. 111-112. The name Eowils (see above, p. 3) is clearly a form of that otherwise written Auisle or Ausli in the Irish annals. One such is mentioned in the *Annals of Ulster* under 862 as one of the kings of the Danes who were then plundering in Ireland, the others being Anlaw and Ivar. He is mentioned again later on in the same annals as the king of the Gentiles, and we are then told he was killed by his two brothers (*Annals of the Four Masters*, pp. 498 503, notes). The name Eowils or Ausli does not seem to be of Scandinavian origin, and Mr. Plummer suggests, *i.e.*, that he may not have been a northern man after all, but some Welsh prince called Hywel who had joined the pirates. The form Eowel occurs in a charter of c. 944: Kemble, *Cod. Dipl.*, 410; Birch, 812.

⁹ A. de la Borderie, *Hist. de Bretagne*, ii. 345.

¹⁰ *Ibid.* p. 347.

county. Derien shared another part of it, while he divided the great district of Elver with a certain Count Tanki, godson and, as M. de la Borderie thinks, son-in-law of Alan. Another son-in-law was Matuédoi, count of Poher. It would seem that through the mutual strife of these sons and sons-in-law of Alan, his heritage was broken in pieces, and that none of them really succeeded to it; and we find, in some unexplained way, that the actual successor of Alan as king of the Bretons was Gurmhailon or Wurmhailon, count of Cornouaille.¹¹ We know nothing more definite about him, nor does he seem to have been a relation of Alan. He was apparently a mere figure-head in a region, the government of which had fallen into a state of anarchy. It is not wonderful that this state of things should have reached the ears of the northern rovers, who were only too ready to make use of the opportunity. It would seem from the charters of the monastery of Redon that until the year 913 things went on in the country very much in their normal way, but after that the whole condition changes; there are no more charters and the life of the district seemed paralysed. The first notice of the impending troubles is found in an entry of a couple of lines written on a *computus* of the abbey of Landevenec, which was compiled at the beginning of the eleventh century, and telling us that this monastery was destroyed by the Normans. The words are *eodem anno destr[uctum est] monasterium sci [Winga]loei a Normannis*. This is noted opposite the year 914.¹²

The next record of this band of marauders is contained in the *English Chronicle*. In manuscripts B, C, D, and E of that work and in Florence of Worcester we have an interesting notice under the year 915, which in manuscript A is wrongly dated.¹³ In the former authorities we read: In this year a great fleet came over here from the south from the Ledwiccas¹⁴ and with it two earls, Ohter and Hroald. We cannot doubt that M. de la Borderie is right in supposing that it was these two chiefs and their fleet which had ravaged Brittany, as we have seen, the year before. The *English Chronicle* goes on to say that the fleet which had come from

¹¹ A. de la Borderie, *Hist. de Bretagne*, ii. 348.

¹² *Ibid.* p. 350, note.

¹³ The chronology is complicated by the confused dating of the English annals at this time. In MS. A of the *Chronicle* the years 914-916 inclusive are blank. In MSS. B, C, D, annals occur under the years 914 and 915. An epitome of that under 915 also occurs in E. These same annals are entered in A under 918 and 919, so that there is a variation of four years in the different copies of the *Chronicle* in reporting the same events. In this matter however A stands alone against the four other copies. They are further supported by the excellent authority of Florence of Worcester and by the chronology of the doings of the Danes in France and in Ireland, and there can be little doubt that the two entries are wrongly dated in A and that the correct dates are given in the other authorities, the entries under 918 in A thus properly equating with 915.

¹⁴ This is the Welsh *Llydau*, the Latin *Letania* meaning *Armorica* or *Brittany*: see Plummer, ii. 98.

Brittany went westwards till they reached the mouth of the Severn and that they spoilt 'the North Welsh' ¹⁵ everywhere along the coast, and captured Cameleac, bishop of Ircingafeld,¹⁶ which is generally identified with Llandaff. A Cimeleauc bishop of Llandaff is mentioned in the *Book of Llandaff* under 927. The pirates carried him off to their ships and he was afterwards ransomed by King Edward for 40*l*. Then the whole army landed and would have plundered the district of Ircingafeld, but the men of Hereford and Gloucester and of the nearest burhs met them and put them to flight and slew the eorl Hraold and a brother of Ohter the other eorl.¹⁷ With the chiefs fell a portion of their army. The rest were driven into an enclosure where they were beset till they gave hostages that they would leave the kingdom, and King Edward planted his men along the coast from the mouth of the Severn to that of the Avon, so that they dared not land there; but they stole away at night on two occasions, once to the east to Weked (i.e. Watchet), another time to Portloch (i.e. Porlock in Somersetshire), but were beaten each time, so that only those escaped who swam out to their ships. They settled on the island of Bradanrelice, that is, the well-known island called Flatholm, in the Bristol Channel, where they suffered from want of food and many died of hunger. Thence they went to Deomed, that is, Dyfed or South Wales, and then set out for Ireland; and this was during harvest.¹⁸ Ethelwerd says that the succeeding winter was marked by unprecedented peace and quiet.

Otir continued his piratical career; we hear of him in more than one place on the Irish sea at this time. The *Annales Cambriae* mention an attack made by him on Britain in the year 913. In the *Brut y Tywysogion* it is dated in 911, Ragnall not being named. In the Brussels fragments of Irish ¹⁹ annals we find Otir mentioned in connexion with Ethelfled, the famous lady of the Mercians. As her husband is not named and as he died in 912, the incident which underlies the romantic tale probably took place after that date. In a great struggle that then took place, the Danes, we are told, after being beaten, were taken for shelter by Otir into a wood, where the greater part of them were slain. It would also seem that Otir

¹⁵ The people of Wales are here so called in contrast with the Welsh of Devon and Cornwall.

¹⁶ Mr. Plummer, ii. 127, identifies this possibly with the district of Archenfield, north-west of the Forest of Dean, on the borders of Herefordshire and Gloucestershire, where he says there is some evidence there was a separate see: cf. Haddan and Stubbs, *Councils*, i. 148.

¹⁷ Perhaps the phrase is a corruption of 'Hraold, a brother of Otir.' Hraold is identified by Todd, *War of the Gaedhil &c.*, pp. lxxxvi-xciv, f. 293-4, with Ragnall. The names however are quite different and so were clearly the men. In MS. A Hraold is corrupted into Hroald.

¹⁸ *English Chronicle*, sub an. 915.

¹⁹ *Annals of Ireland*, ed. J. O'Donovan, pp. 245-247.

at this time was master of the Isle of Man, since the killing of his brethren by Ragnall is mentioned soon after this. Otir's main feat at this time however was his raid upon Munster in Ireland. In the work entitled *The War of the Gaedhil with the Gael* we are told that Jarl Otir Dubh, or the Black, went with one hundred ships to Port Lairge, i.e. Waterford, and the east and south of Munster were plundered by him, and he put all under tribute and levied a royal rent from them, and, the writer adds rhetorically, there was not a harbour nor a landing port, nor a Dun, nor a fortress, nor a fastness in all Munster, without fleets of Denmarkers and pirates.²⁰

Ragnall, we have seen, after his campaign in Scotland probably returned to Yorkshire.²¹ In the year 913 (probably 914 was the real date) we read in the *Annals of Ulster* that a naval fight took place in the Isle of Man between Barid, son of Octir (*sic*), and Ragnall O Ivar, in which the former with the great bulk of his people were killed.²² Ragnall was apparently on his way to take command of the Danes of Waterford. It is curious that although he killed Barid, the latter's father Otir should so soon be found again in alliance with him. From the same source we learn that in the year 912 (probably 913 is right) a great new fleet of the foreigners came to Loch Dacaeach (i.e. Waterford) harbour, and made a stronghold there.²³ This is also mentioned in the *Annals of Clonmacnoise* under the same year. In the book on the *War of the Gaedhil with the Gael* we are expressly told that they came under Ragnall O Ivar and the earl Otir, and landed at Loch da Cach, i.e. Waterford harbour.²⁴ The doings of the Danish invaders in Munster at this time are described in another paragraph of the same dishevelled work, where we read that the men of Munster at this time sustained half the troubles of all Erin. The foreigners killed Domhnall, son and heir apparent of Donnchath of Cashel (i.e. of Munster), and plundered Muscraige, i.e. Muskerry, in the county of Cork, and Ui Cairpre (a district in the county of Limerick), called from the clan of that name.²⁵ They afterwards separated into three parties, one third settled in Cork, one at Iny, in the county of Kerry, and the third at Glas Linn, probably on the Shannon, and so devastated the land that there was not a home or a hearth left south of the river, i.e. the Lee.²⁶ The same fleet killed Gebennach, son of Hugh, king of the Ui Conaill Gabra (a clan living in the modern barony of Conelloe in the county of Limerick), and they carried off his head after killing him. They also killed Anle, son of Cathal, king of Owney Beg, a barony in the north-east of Limerick, and

²⁰ *War of the Gaedhil, &c.*, pp. 39-41.

²¹ See above, p. 5.

²² *Annals of the Four Masters*, p. 585.

²³ *Ibid.*, p. 595, note: see also *Chron. Scot.* p. 189.

²⁴ P. 31.

²⁵ *Ibid.*; cf. p. lxxxv note 3, and cxvii note 2.

²⁶ *Ibid.* p. lxxxv note 2, and app., p. 234.

Loingsech, son of Setna, king of another Owney, in the county of Tipperary.²⁷

The doings of the Waterford fleet are also mentioned elsewhere. In the *Chronicon Scotorum*, we read that in the year 910 (really 918) an army was led by Niall, or Niel, son of Aedh or Hugh, king of Ireland, against the foreigners at Waterford, when many were killed on each side, including the king of Carraickabraghy, in Inishowen, and Maelfinnen, son of Donnagan, chief of the clan Ui Cernaigh, and Fergus, son of Muirigen, chief of the Crimhthainn, in the modern barony of Slane, in the county of Meath.²⁸ The *Annals of Ulster* report this at greater length. We there read, under the year 917, that the O'Niels of the south and north, with the Munster men, were led on this occasion by Niel MacHugh, head king of Ireland, who pitched his camp on 22 August at a place not now known called Tobar Glethrach. The Danes attacked them about three in the afternoon and fought till evening and one hundred perished on both sides. The *Annals of the Four Masters* give the number more probably as eleven hundred, and say that more of the foreigners fell than the Irish. We are further told that reinforcements set out from the camp of the foreigners to help their people, which were led by Ragnall, king of the black foreigners (i.e. the Danes). Niel, son of Hugh, went in turn to the rescue of his men and prevented their slaughter: he remained encamped close by for twenty days. The *Ulster Annals* also mention that in the year 917²⁹ this fleet (that is, the Danes of Waterford) went to Alba, and the men of Alba with the North Saxons (i.e. the Northumbrians) prepared to meet them.

The struggle that ensued is reported by the English, Scotch, and Irish annalists.³⁰ Symeon of Durham, in his history of the Church of Durham, tells us that while Edward was the ruler of the West Saxons, of the East Anglians, and of the Northumbrians, and the episcopate of the Bernicians was held by Cuthheard, a certain pagan king called

²⁷ *Wars of the Gaedhil*, &c., p. 31 notes.

²⁸ P. 189 and notes in the Index.

²⁹ The *Pictish Chronicle* puts the battle in the eighteenth year of Constantine, i.e. 918, which is perhaps right.

³⁰ The chronology of these events is not very clear in the different authorities. In MSS. D, E, F, of the *Chronicle* we read that in the year 923 king Regnold secured York. The fact is not mentioned in any other MS., and we must take F here as a mere replica of E, D being in all probability the ultimate source of all three. It is notable that the immediately preceding entry in all three copies of the *Chronicle* tells us that in 921 Sihtric, the king, killed Niel, his brother. The same two entries follow each other exactly in the *Historia Regum*, where however the murder of Niel is dated in 914 and the capture of York in 919. It calls the Danish king 'Rex Inguald,' which Mr. Plummer ingeniously explains as a corruption of Reringuald for Reinguald, *Chron.* ii. 130. The *Historia* is an independent authority and one of the first importance for Northumbrian history, and there is no doubt that it is right on this occasion, and that the capture of York referred to was not made in 923, when, as we shall see, Ragnall was in the Loire country, but in 919.

Reginald landed on the shores of Northumbria with a large fleet. He attacked York, and either killed or drove out of the country the most influential of the inhabitants.³¹ Gaimar in reporting the fact says that Ragnall was only half a Dane, his mother having been an Angle.³² Having conquered York, Ragnall proceeded to attack Bernicia. This part of the story is told in some detail in the anonymous Life of St. Cuthbert, whence it was copied by Symeon. In it we are told that Regenwald the king came with a vast fleet and occupied the territory of Eldred, son of Eadulf (that is the earldom of Bamburgh stretching from the Tees to the Forth). Thereupon Eldred went to Scotland and sought help from Constantine, its king, and a fight took place at Corbridge (on the river Tyne), in which battle, says the biographer, 'I know not for what sin the pagan king was victorious.' Constantine fled and his people were defeated, while Elfred, a servant of St. Cuthbert (*Elfredum sancti Cuthberti fidelem*), and all the best Englishmen except Eldred and his brother Uhtred were killed.³³ This is a plain and intelligible story and seems irreproachable in its details. The Pictish Chronicle, which gives the victory to the Scots, says the battle was fought at Tinemore, i.e. Tyne Moor, which Mr. Hodgson Hinde, the editor of Symeon of Durham, identifies with Corbridge Fell. Mr. Skene arbitrarily transferred the site of the battle to the northern Tyne, in Lothian. The *Ulster Annals* tells us that the army of the Danes was divided into four divisions, one commanded by Godfrey O Ivar, the second by the two earls (Otir and Osul Gragaba), the third by the young chieftains (?), and the fourth by Ranall, i.e. Ragnall, the last of whom lay in ambush. The Scots pressed the other divisions very hard and killed many of them around Otir and Gragaba. Thereupon Ranall attacked them from behind and many were slaughtered, but neither the king (i.e. Constantine) nor Murmoer (the Scotch equivalent of earl) was killed in the battle. Night put an end to the battle.³⁴ The book on the war of the Gaedhil with the Gael makes Ragnall and earl Otir killed in this fight, which, in regard to the former at all events, is quite a mistake, since he is heard of presently, nor is anything of the kind said in the Life of St. Cuthbert, which is the most reputable witness we have. In one of the fragments of *Irish Annals* transcribed by MacFirbis, Ragnall is not mentioned at all in connexion with the fight, and Otir, son of Iargne, is made the commander of the invading forces. It says that he was killed in the battle, and that after this it was long before the Danes or Lochlanns (i.e. the Norwegians) again attacked the men of Alba. It further adds that at this battle the Scots used St. Columba's crozier as their standard.³⁵

³¹ Lib. ii. 16.

³² *L'Estorie des Engles*, lines 3508-3510.

³³ See *Works of Symeon of Durham*, i. 147 (Surtees Society).

³⁴ *Annals of the Four Masters*, i. 592-3 note.

³⁵ *Annals of Ireland*, ed. J. O'Donovan, p. 231.

According to the anonymous Life of St. Cuthbert, Eldred and his brother Uhtred, the chiefs of Bernicia, fled after the battle, whereupon Ragnall proceeded to divide the patrimony of St. Cuthbert between two of his supporters. His towns and the lands to the south he gave to one named Scula. According to Joseph Stevenson he probably gave its name to the village of School Akley. He now obtained the district from Iodene (i.e. Eden) to Billingham (both in the county of Durham), upon which he laid a heavy burden of taxes, and Symeon tells us that in his day the men of Yorkshire were wont to lighten their own burdens by taking advantage of this grant of the pagan king. The country from Iodene to the river Wear was made over by Ragnall to Onalafball. The chronicler speaks of him in unmeasured terms: *hic filius diaboli inimicus fuit Deo et Sancto Cuthbert*. One day in his rage he entered the church of the Holy Confessor, when Bishop Cuthheard with all the clergy were present. 'Who is this dead man Cuthbert,' he said, 'with whose vengeance you daily threaten me? I swear by my all-potent gods, Thor and Othan, that I will in future be most ruthless towards you all.' Therefore the bishop and the clergy prayed on their knees that God and St. Cuthbert would come to their rescue. When the pirate had set one foot outside the door, says our monk, it was paralysed, as if a stake had bound it to the ground, and he presently died in torment.³⁶

During the next two or three years Ragnall was probably at York. We read in the *English Chronicle* under 924 that

the king of the Scots with all his people and Reginald and the son of Eadulf and all those who dwell in Northumbria, as well English as Danes and others, and the king of the Strath Clyde Britons and all the Strath Clyde Britons, chose Eadward for their father and lord.³⁷

This event really took place in 921. Thus, for the first time, the island of Great Britain, with the exception of the extreme north of

³⁶ *Hist. de s. Cuthberto*, in Symeon, *ubi supra*, vol. i. 148.

³⁷ We here meet with a difficulty in our chronology, and this is in reference to one of the most important and most debated incidents in our early history, namely the commendation of Scotland to England, by which the former kingdom was made subordinate to the latter. It is a remarkable fact that the statement in regard to it is contained in the *Chronicle* in two copies only, namely in A and F, and in F it is an insertion, and like many others copied from A, where it is dated in 924. As Mr. Plummer has pointed out, ii. 116-17, Florence of Worcester, who also mentions it, dates it in 921, and as he was a critical and learned writer, we can hardly doubt that he either had a better MS. of A than the very poor one which we have or that he had some good reason for putting the event in the latter year. What is more important and, to my mind conclusive, is that the *Historia Regum*, an independent authority, also puts the event in 921. So does Roger of Wendover, who sometimes had before him some lost material. In regard to the substance of the annal which has been sharply criticised by Robertson and other Scotch historians, I cannot see any reason to doubt its substantial accuracy. It is supported by too many reputable witnesses to make this possible.

Scotland and the various groups of islands round its coasts, was united under one ruler. This, so far as I know, closes the career of Ragnall in Britain and in the *Ulster Annals* his death is entered under the year 921. As a matter of fact, he no doubt soon after this left the British isles to resume his career in the west of France, where he was probably ambitious to rival the successful doings of Rolf the Ganger, who had founded a new state in Neustria.

Before we follow him there, it will be well to revert to some previous doings of the Loire pirates whom Ragnall now went away to command. It was in the year 919 that we first read of the overwhelming of Brittany by the Danes of the Loire. The invaders had long made the Loire their great trysting place in western France. They now took their fleet up to Nantes, whose ancient Roman walls, broken down in many places, had been replaced by a well-fortified new wall, enclosing a smaller space and especially guarding the cathedral, by bishop Foucher. It was called the castle (*castrum*). On the approach of the pirates the poor artisans and others sought shelter in the castle. After a short resistance they found it impossible to defend themselves; so taking with them their greatest treasures, and notably the sacred vessels and ornaments of the cathedral, they fled at midnight and found shelter where they could. The bishop Adelard and his clergy went as far as Burgundy. When the pirates returned on the morrow they found the place abandoned. They accordingly collected what few things still remained, and then set fire to the roof of the cathedral and tore down the walls of the castle. They then mounted the Loire and pillaged Angers and Tours, whose inhabitants had also fled, and they made the people of Orleans pay a heavy ransom. They then descended the river again as far as Nantes, and began the systematic devastation of Brittany. Flodoard's words are grim beyond compare in their condensed meaning. He says that in the year 919 the Normans devastated all Brittany situated in the angle (*in cornu Galliae*)³⁸ along the maritime border, where they exterminated and destroyed, carried off and sold, or drove out all the Bretons. The Chronicler of Nantes confirms this; he describes how the counts, viscounts, barons, and other nobles fled into different parts of France and to far-off Burgundy and Aquitaine, the poor cultivators alone remaining to play the part of serfs to their cruel masters. Other writers tell us how they burnt and destroyed towns and castles, churches, monasteries, and houses, and ravaged the country districts, reducing them all to a vast solitude and waste. As elsewhere they largely concentrated their attention on the monasteries, which became their richest prizes. Among others they now attacked and desolated the

³⁸ M. de la Borderie, I think, shows that the phrase here refers not to the province of Cornouaille, as some have supposed, but to all Brittany (ii. 355).

abbey of Vertou. A tenth-century hagiographer³⁹ especially dilates on the sacrilege they committed in destroying a gigantic and bushy yew there, which had grown from the pilgrim's crutch of the founder, St. Martin of Vertou, who had planted it in the midst of its cloister. This sacred tree was despoiled of its branches by the pirates to make bows and javelins, and the story goes that at the instance of the outraged saint two of them came to a bad end while engaged in their nefarious work. The inmates of the monastery who fell into the hands of the Northmen were either mutilated or killed. This was probably a typical example of the doings of the pirates, who, as we have seen, drove out or destroyed at this time all the respectable inhabitants of Brittany, leaving only some serfs here and there.⁴⁰

A large number of ecclesiastics, laden with precious vessels and with relics, fleeing from various sides, took refuge in the great and rich monastery of St. Magloire of Lehon, on the banks of the Rance, which had been founded by Nominoe, a former ruler of Brittany, and which was itself rich in royal gifts. There a meeting took place under the presidency of Salvator, bishop of Aleth, and it was determined to leave the country and to seek shelter with their relics elsewhere. They had hardly got outside the limits of Brittany, when they met two other companies on the same errand and similarly laden, conducted by the archbishop of Dol and the bishop of Bayeux. They wandered away together and presently founded new establishments in France, which became famous from the relics preserved in them; such as the community from Guenail settled by the favour of Theudon, count of Corbeil, at Courcouronnes, in the county of Corbeil, and eventually at Corbeil itself. So again, Archbishop Agan of Dol, with the relics of St. Samson, was given the abbey of St. Symphorien with the two churches of St. Lève and St. Sulpice at Orleans, by Hugh the Great, father of Hugh Capet. The dedication of the abbey was then changed, and it was afterwards called St. Samson's. The body of another famous saint, St. Magloire, with other relics which had been preserved with it in the monastery of Lehon, after resting for some time obscurely at Paris, found a home in the splendid abbey of St. Magloire in that city.⁴¹ The biographers of the saints enlarge greatly on the troubles and indignities suffered by the bones and relics of their patrons which were deemed more precious than gold or costly stones, and whose adventures are but the measure of the extent of the depredations of the pirates.

While a large number of the fugitives sought safety in France, many others went to Britain; among them was Matuédol, the count of Poher, son-in-law of Alan the Great, and his son Alan, afterwards known as Barbe Torte. They were well received by the English

³⁹ The Miracles of St. Martin of Vertou, iii., in Mabillon, *A. SS. O.S.B.*, Sæc. i. 375.

⁴⁰ A. de la Borderie, ii. 358.

⁴¹ *Ibid.* pp. 361 ff.

king, Edward the Elder.⁴² According to a famous letter by Radbod, prior of Dol, to Athelstan, which is preserved by William of Malmesbury,⁴³ and the authenticity of which seems beyond dispute, King Edward during the reign of Alan the Great had joined a confraternity attached to the cathedral of Dol and named after its founder the famous St. Samson, where Radbod says they still said prayers for him, and now prayed for his son, Athelstan himself, in all their services. Among the monasteries destroyed by the Danes at this time was that of Dol, and its archbishop and clergy were driven away, carrying with them the precious relics of their founder and of other saints, and joined company with two similar dismal processions (one coming from the abbey of Lehon and another coming from beyond the frontiers of Brittany), which had suffered the same fate and were laden with similar burdens. The letter above quoted tells us what became of some of these relics and treasures. In it Radbod, writing when in exile and in great need, said that he knew how the English king cherished the relics of the saints, and accordingly sent him the bones of St. Senator, formerly bishop of Bayonne, of St. Paternus, and of his master St. Scubilion, who died the same day as himself. They were both patron saints of Avranches, and their common obit was celebrated on 23 September. These relics were preserved at Malmesbury, whose abbey was much patronised by Athelstan, and William of Malmesbury tells us that the letter of the prior of Dol was found in the casket in which they were contained.

Charles the Simple marks the lowest ebb of fortune in the history of a great royal house. The misfortunes which overwhelmed his country during his reign were almost unmatched, and yet if he had been a heaven-born genius it is hard to say how the position could have been saved. He never, as far as we can see, had the slightest chance. King of France he was in name no doubt; but the only part of France which he governed directly was an extremely small area known as the *Terra Regis* between the Loire and the Marne, and including the cities of Laon, Soissons, and Rheims. The rest of France was divided among his great feudatories, most of them directly governing a much wider area than his own. Nominally they were his men, his subjects, and they had done allegiance to him, but in reality they treated him very much as if he had been a puppet, which he certainly was not, and each of them was concerned too much with his own affairs to be over careful about the common good. This being their attitude to him, it is not wonderful that he was in return impatient of their ways. The most powerful of these feudatories was known to his contemporaries as the count of France, and to later

⁴² *The Chronicle of Nantes*, by mistake, calls him Athelstan.

⁴³ *Gesta Pontif.*, pp. 399, 400; *Gesta Regum*, i. 154, note 2.

writers as the duke of France. He ruled over all the land from the Loire to the Scheldt, including Maine, the Orléanais, and the Ile de France, with his capital at Orleans, and he drew enormous revenues from the abbeyes of St. Denis, St. Germain, and St. Martin of Tours, of which he was lay abbot. When Charles was crowned in 893 the county of France was held by Robert, brother of that Odo who had for a short interval been actually king, and who doubtless felt that he had been deprived of a position to which he might have hoped to succeed, namely the crown of France, which his brother had secured. It was a great drop from the throne itself to be the first subject of the crown—from a king to a king-maker—and this should be kept in mind in testing what happened presently. The ravage and desolation caused by the pirates meanwhile continued on a greater scale. It was bound to continue so long as the forces of France were broken into fragments by its feudal disintegration, and the method of buying off the enemy by successive payments of blackmail was merely draining the country of all its resources without affording any substantial gain. A new departure had to be made, and it was determined to offer the most vigorous and powerful of the buccaneers a permanent settlement on the lands of France with the intention and purpose of creating a really efficient screen against the pirates out of their most promising members, who should have the motive of protecting their own possessions as an incitement to loyalty. The grant of Neustria to Rolf in 911 created a new feudatory of the French crown, with considerable obligations to its wearer, and since it was carved out of count Robert's great fee, it *pro tanto* diminished his power.

It was in 921, according to Flodoard, that Count Robert proceeded to attack the Northmen on the Loire; but after five months of warfare his success was so slight that having received hostages from them, he made Brittany over to them with the county of Nantes, the latter of which was not an integral part of Brittany, but had been made over to Nominoe, duke of Brittany, as a fee by Charles the Bald in 846 after the battle of Ballon. This grant of a great maritime district to the Danes by Robert was a notable imitation of that of Charles the Simple. Not a word is said of Charles by the chronicler who reports it. There was only one difference between the two grants. In the one case, that of Charles, he was dealing with territory over which he had a perfectly good title, while Robert was acting nominally on behalf of Charles, who was his feudal master, without any such claim. The next year, 922, Robert, apparently with the adhesion of the other great feudatories of Charles except the duke of Aquitaine and the Northmen of Neustria, had himself crowned king of France, as his brother had done before him. He did not hold the position long, for in 923 he was defeated and killed in a terrible battle at Soissons within the

royal demesne, fought against the forces of Charles, who was helped by the faithful Lotharingians. Robert's son Hugh, known as the Great, succeeded to the county of France, but refused the crown. He offered it instead to his brother-in-law Rodulf, duke of French Burgundy, whose capital was Dijon.

It was no doubt to cause a diversion against his rebellious feudatories that, as Flodoard says, Charles now sent repeated messages to Ragnall, the chief of the Loire pirates. Flodoard tells us that the Northmen in the year 923 laid waste Aquitaine and Auvergne. William duke of Aquitaine, whose country was bounded by the Loire and the Garonne, and Ragemund (perhaps a corruption for Ragnald) fought together, and 12,000 Northmen are said to have been slain. The same year Flodoard relates that Ragnald, the chief of the Northmen of the Loire, with certain of his countrymen from Rouen, after repeated messages from Charles, plundered the wide country beyond the Oise known as the Ile de France. The camp of the invaders was presently captured by Herbert of Vermandois, with whom were the counts Rodulf, Roger, and Ingobran, who recovered a large booty and freed a thousand captives. Thereupon Ragnall proceeded to lay waste Artois and Picardy. Flodoard says that he was attacked there and lost 600 men; he was forced to retire to his fortified camp, whence he continued to make forays and depredations, nor did he leave until he had received a promise of a concession of fresh lands on the Seine. Under pressure of these events King Rodulf, urged by Hugh, son of Robert, came from Burgundy and went to Compiègne on the Oise; hearing that the Northmen were wasting the district of Beauvais, they went thither with Archbishop Seulf, Count Herbert of Vermandois, and others, and having crossed the Epte and entered the districts where the invaders were, they prevailed upon them to become Christians and to make peace. The following year Flodoard tells us that a levy of money was made from all France with which to pay off the pirates.

In 924 Ragenold (*i.e.* Ragnall), although he had accepted a grant of lands within the borders of France, laid waste the country of Duke Hugh between the Loire and the Seine, and William of Aquitaine and Hugh negotiated with him for the pacification of their territory, whereupon the Danes went off to Burgundy. Flodoard and Richer describe these ravages in doleful terms, and we cannot doubt that the peace referred to was favourable to the pirates. During the next year Burgundy was all ablaze. Ragnall fought a desperate battle there against two counts and two bishops. The viscount of Sens was dismounted and killed while the bishop of Troyes was wounded. The fight took place at Mons Calaus.⁴⁴ Flodoard puts the losses of the Northmen at

⁴⁴ [The identification of this place is disputed. M. Lauer (*Annales de Flodoard*, p. 26, note 6) hesitates between Chalo-Saint-Mars and Chalmont.]

1900, while Richer gives the number as 960. Rodulf, who combined the dignities of duke of Burgundy and king of France in his own person, hastened to the rescue with the royal forces and attacked the Northmen in their entrenched camp on the Seine, where he beleaguered them for some time, but apparently very carelessly, for they presently escaped and made their way homewards to the Loire. Flodoard says that they lost only a few men in this fighting: according to Richer, a much poorer authority, they lost 3000.

This was apparently Ragnall's last campaign. The hagiographers tell us that he came to a woeful end. When returning from an expedition into Burgundy in 925 he was hard pressed and retired to the Loire. There he occupied the cloisters of the abbey of Fleury, which had long been abandoned by the monks, giving himself up to pagan orgies. An apparition of St. Benedict himself visited him there and struck him with his crutch, causing a panic among his men: so Ragnall and a number of them withdrew from the country and went to Normandy, where, if we are to believe Aimoin, he ended his life miserably in consequence of the Saint's blow. This has been supposed to have taken place at Rouen (Rotomagus), but it is said that there exists in Touraine on the Loire a place formerly called Rotomagus and now Pont de Ruan, which may have been where he died.⁴⁵ Aimoin relates that not even death brought repose to his body, for his tomb having been broken open in a hurricane, his remains were thrown into the Seine, where they were seen floating by the frightened people. The Fleury monks, according to the same writer, caused a caricature of his head to be sculptured and encased it in the north wall of the church, and in the seventeenth century and later they used to show a grotesque head in stone as the portrait of Ragnall.

It will be well to complete our story by a glance at the concluding doings of the pirates on the Loire. In the year 926 they were again at work in Artois, where they were attacked by king Rodulf and Herbert of Vermandois. The two commanders thought that they had got the enemy entangled in a wood: but the latter made a sortie, stormed and fired the royal camp, killed a count, and wounded the king. They themselves were said to have lost 1100 men, but they managed to withdraw through the Ardennes and the country of Porcien, which extended from the Arsin to the Meuse, and laid it waste. In order to secure their withdrawal they were paid a large sum of money. In the year 927 Hugh the Great and Herbert of Vermandois had a fresh struggle with the Loire pirates, which ended in the exchange of hostages and in a fresh grant of the county of Nantes. This regrant of what had already been made over to

⁴⁵ Aimoin, *de Mirac. s. Bened.* i. 2; Mabillon, *Ann. Bened.* iii. 333; Lestang, *Diss. sur. les Incursions Normandes dans Le Maine*, p. 47, note 1.

them in 921 is probably to be explained by the fact that the former grant was deemed to be personal to Ragnall, on whose death there had been a lapse or forfeiture. In the year 930 we find the Northmen of the Loire under a new leader called Rodulf, who laid waste Aquitaine.⁴⁶ It was possibly during this raid that a famous monument of Carolingian France was destroyed. At the confluence of the Garonne with the Drot was situated an ancient palace of Charlemagne, called Cassignol, where his queen Hildegard had given birth to Lewis the Pious, and whence the great Frank emperor had set off on his campaign against the Saracens in Spain. It was protected by a tower, which also guarded the royal boats on the river. The palace was devastated by the pirates. On its site at Casseil now stands an old church.⁴⁷

In 931 there was a general revolt of the Bretons against their masters the Loire Northmen, which was probably incited by the Breton king and other refugees at the court of Athelstan. We are told they were all slain on the feast of St. Michael, a lurid example followed many years later by a similar murderous deed on the day of St. Brice, in England, which had very dire consequences in that much tried land. We learn from Flodoard that among the Norman chiefs killed in Brittany on this occasion was Felekan, doubtless a corrupt name,⁴⁸ and that he was revenged by another chief called Incon, who lived on the Loire. The latter went to Brittany and recovered it from the Bretons, whose fate is condensed in some graphic adjectives of Flodoard,—*victisque et pervasis et caesis vel eiectis Britonibus regione potitur*.

In the year 936, according to Flodoard, Alan with his Bretons and with further help supplied by Athelstan, who, the Nantes Chronicle says, was his godfather, crossed the Channel to reclaim his own. They landed near Dol, and found there a number of the Northmen celebrating a wedding; these they suddenly attacked and beheaded them all. Having heard that another body of them was entrenched at St. Briec, Alan sailed thither and repeated the slaughter.⁴⁹ Tradition reports how he then proceeded some ten leagues to the north-east to a fortified fort which the Northmen had planted on the scarped rocks on the right bank of the river Trieux, to command its mouth. Here they were now attacked and destroyed. M. de la Borderie claims that some stone crosses which still remain at Lancerf and Flourivo in the district recall this victory.⁵⁰ Thereupon the Bretons flocked to his standard and elected Alan as their ruler. Flodoard tells us that numerous fights were fought by the Bretons

⁴⁶ Richer, *Hist.* i. 56.

⁴⁷ See St. Amans, *Notice sur Cassinogilus*, *Mém. de la Soc. roy. des Antiq. de France*, vii.; cf. Depping, *Expéditions des Normands*, pp. 365–6.

⁴⁸ The late chronicler Pierre le Baud calls him Flestan.

⁴⁹ *Chron. Namnet.*, ed. Merlet, p. 89.

⁵⁰ *Op. cit.* ii. 388–9.

against the invaders, and they proceeded to reoccupy their country. Among those who returned with Alan from Britain was Ewen, or Even, surnamed the Great, count of Léon, who repaired to his capital, which was named after him Lesneven (i.e. Aula Eveni), and having collected a number of horse and foot soldiers he prepared to defend himself against the men of the north in the district, who had come together to attack him. A local tradition places the struggle which ensued at Run Even (Even's mound), two kilometres west of Plouider. The pirates were defeated, and those who escaped returned no more.

Meanwhile a more serious struggle ensued elsewhere. Finding themselves in danger of being destroyed piecemeal, the Danes deemed it convenient to rendezvous at Nantes, whereupon, as the Chronicle of Nantes tells us, Alan and his followers went thither. There the enemy had entrenched themselves in a large camp between the Loire and the Erdre, with ramparts across the open side of the promontory shutting off access to the land beyond. This place was then known as the meadow of St. Anian. Here the great struggle took place. Alan, in spite of the numbers of the defenders, tried to storm the ramparts, but was beaten back and retired to recruit to a neighbouring height. There his men found themselves without water, and the chronicler of Nantes tells us how, in answer to the prayer of Alan to the Virgin, a supply of this was granted. The spring is said still to bear his name. Thus refreshed, they made another attack, forced the fortifications, and killed many of the defenders. Those who survived left the Loire and went to sea. When the Bretons entered the place they found the old town a mass of ruins and a scene of desolation. Alan and his men offered their prayers at the ruined altar of the church of St. Peter and St. Paul. He now made Nantes his capital, adopted the style of duke, while what remained of the Bretons returned from exile and again occupied their impoverished country.⁵¹ The fugitive Danes who escaped from the Loire made their way to the north-eastern corner of the county of Rennes, to a place on the common frontier of the dioceses of Rennes and Dol, then called Trant or Trans. There they remained quietly for a year and built themselves a fortress (*castellum*), and there they assembled a considerable force, with which in the year 939 they fell on the county of Rennes and ravaged it without mercy. Their attack was met by a combination of the neighbouring powers; Hugh the Great, duke of France, father of Hugh Capet, and Alan, duke of Nantes or Brittany, joined forces, and in a battle fought at Trant on 1 August 939, which was long commemorated as the day of their deliverance, the pirates who had so long trampled upon Brittany and the fair lands along the Loire were finally expelled.⁵²

HENRY H. HOWORTH.

⁵¹ *Ibid.* ii. 390-395.

⁵² *Ibid.* p. 397.

Cluny and Gregory VII

IN the desolate years that opened the tenth century Cluny set the example of religious duty and discipline and of dignity of service. Born in an age of coarse materialism, she sought to recall to men that interest in spiritual things which seemed to have been lost, and to do so by setting up an ideal in direct contradiction to the spirit rife in the world around her. The spirit of devotion which was the motive of her foundation she hoped to stimulate beyond her own walls.¹ Thus from her origin she was zealous for monastic reform. Such indeed was necessary, for the invasions of the Normans had almost swept away monasticism in Gaul.² Into Burgundy however the Normans had scarcely penetrated, and the position of Cluny made her a good centre for radiating reform. Protected by her gently swelling hills, she lay near one of the pilgrim routes to Rome, and close to the highways of the Saône and Rhone; while placed as she was on neutral ground, conveniently distant from and practically independent of both Teutonic emperor and Frankish king, the conditions were favourable for the maintenance of her principle of monastic autonomy. The character of her early abbots too, men of eminent virtue, made for her success, as also did the rule they adopted—the Benedictine modified by Benedict of Aniane and the Aachen capitularies.³ Not only so, but unlike the almost contemporary but more ascetic reform of the Italian hermits, who looked to the East for their inspiration, Cluny, essentially Western, stood for moderation. Her abbots were praised in that they afflicted their bodies only with holy and moderate fasts, thus avoiding the glory of men and spiritual pride. In the Life of Maiolus, his biographer spends a chapter in extolling the

¹ Already in 931 Odo obtained for this purpose from John XI authority to take other monasteries under his direction and to receive monks from other monasteries, even against their abbots' will.

² In the life of Odo we are told how Adhegrinus, his friend, sought in vain throughout 'Francia' for a monastery where the regular life was lived. Finally giving up the hopeless quest, he started on pilgrimage for Rome, to stumble by chance on the little monastery of Baume in Burgundy, with Berno as abbot. Here he found what he had formerly sought for in vain, and immediately made known the joyful tidings to Odo, who joined him there: Joannes, *Vita Odonis*, i. 22; Migne, *Patrol. Lat.* cxxxiii.

³ *Ibid.*

mean and in condemning excess,⁴ while in the same way one of the chief virtues of Odilo is given as moderation.⁵

It is essential, we believe, to regard Cluny as working on purely monastic lines, and for a monastic reform. Such being her mission, she does not seem to have been especially interested in the secular church. For following the tradition of monasticism she looked upon the monk as alone fulfilling literally the words of the Gospel, and thus following a higher ideal than that of the secular clergy. In the Lives of her abbots we find office in the church regarded as involving too many worldly interests, and therefore to be shunned. Thus Maiolus, already archdeacon of Mâcon, and of such virtue and eminence that the archbishopric of Besançon was almost forcibly thrust upon him, resisted; and despising the glory of the world he preferred to enter Cluny.⁶ More emphatically is this thought present in the life of Odilo. Dedicated from childhood to the service of the church, Odilo had early been received at St. Julian's, Brioude. His career was thus assured, for St. Julian's was a fashionable community consisting of fifty-four canons who held the rank of bishop, and where only those might enter who could prove noble birth on both sides for four generations back. To Odilo, however, the life there seemed an enjoyment of the fleshpots of Egypt, and he fled.⁷ Other prominent Cluniac leaders,⁸ serene in the consciousness of a higher calling and engrossed in their own reform, declined to be consecrated bishops. Odilo himself refused the archbishopric of Lyons notwithstanding the anger of John XIX, who reminded him of the heavy hand of Rome and recalled him to obedience by a threat.⁹ Twice also we find Gregory VII rebuking Hugh for lack of zeal towards the Roman church. *Grata nobis et dulcia sunt verba vestra*, he wrote, *sed multo uberiori delectatione nos ceperemus si vestra caritas ardentius erga Romanam ferveret ecclesiam*; ¹⁰ and again, *Cur, frater carissime, non perpendis, non consideras in quanto periculo, in quanta miseria*

⁴ *Mensura ubique est laudabilis. Rebus enim in omnibus, etiam in bonis, est vitium quidquid excesserit modum*: Sirius, *Vita Maioli*, ii. 8; Migne, cxxxvii.

⁵ Jotsaldus, *Vita Odilonis*, i. 13; Migne, cxlii: *ut in omnibus actionibus et imperiis modum teneret*.

⁶ Sirius, *Vita Maioli*, i. 12: *Ne mundi lucrum cogeretur expetere, et ad mundi gloriam, quam mente spreverat, per saeculare negotium delectabiliter tendere, grave pondus procellosi culminis per custodiam refugit humilitatis, Creatoris omnium sequens exemplum . . . Ita vir Dei per coelestis studii disciplinam mundi labilem contemptis gloriam*.

⁷ Jotsaldus, *Vita Odilonis*, i. 1: *Tacitus secum deliberat ut Aegyptias ollas desereret*.

⁸ For instance, Poppo of Stablo and Richard of St. Vannes. A stumbling block to them lay also in the words of St. Matthew's Gospel against the taking of an oath. Halinard of Lyons raised the same objection before accepting the archbishopric.

⁹ *Te inultum relinquere nec debemus nec possumus*: Mansi, *Concilia*, xix. p. 418.

¹⁰ *Reg.* i. 62; Jaffé, *Bibl.* ii. 81.

*sancta versatur ecclesia . . . apostolicae sedis praeceptum oboedientiam in te ut te decet, non invenit.*¹¹

This did not prevent Gregory from ending with a request for Cluny's prayers, for Cluny's intercessory merit was established, as appears from the story attributing to Odilo the official foundation of All Souls' Day. The story runs thus. A hermit living on an island in the Mediterranean Sea was accustomed to see the souls of sinners thrust by demons into the flames of a neighbouring mountain. Frequently however he heard the demons complain that, owing to the efficacy of the prayers of Cluny, so many of the souls went free. Therefore he sent the urgent message, Let Cluny be ever more and more instant in prayer; and the better to fulfil this injunction Odilo decreed that in all Cluniac monasteries the day following All Saints' Day should be set aside for prayers for the dead.¹² More instructive still is the legend of Pope Benedict VIII, who after his death found himself to his surprise not enjoying the splendour of light, but confined in the shades.¹³ One night therefore he appeared to a friend and begged for the prayers of Odilo and his monastery. The pope, John XIX, hearing of this petition himself forwarded it to Odilo, and soon after Benedict was able again to appear humbly and joyfully to render thanks to the abbot for release from that boundless chaos.¹⁴ The fame of this soon spread abroad and greatly increased Odilo's reputation.¹⁵ Abbot Hugh also was regarded as gifted with something of the same power, for when Stephen IX was tormented on his deathbed by the presence of the evil one, only Hugh could keep the enemy at bay.¹⁶

Since the monastery had this reputation to sustain, we need not be surprised to find little of historical value in the Lives of the early abbots. They were, with the exception of that of Odo, written for edification. They treat of what was to the greatest glory of the abbot and the greatest interest to the writer, the monastic virtues. Of the Lives, those of Odilo and of Hugh will be the most important for our subject. Before considering these, however, we must note the tradition of Cluny that, founded by a lay prince, and in her development owing much to emperor, king, and noble, she had from earliest times stood in close connexion to the temporal power. It is true that she looked to Rome as head, the charter of her foundation having placed her under the direct protection of Rome, so that, differing in this from the rule laid down by St. Benedict,

¹¹ *Reg.* vi. 17.

¹² *Vita Odilonis*, ii. 13.

¹³ *Non splendore lucis, sed poenarum . . . in umbris: ibid.* ii. 14.

¹⁴ *Ibid.*

¹⁵ *Ibid.*: *Palam constat omnibus quantum venerabilis Odilo de individuae Trinitatis gratia possit, per quem uterus mortis rapta praeda potuit evacuari.*

¹⁶ Rainaldus, *Vita Hugonis*, 5; Migne, clix.

Cluny had ever been theoretically free from diocesan control. This indeed was necessary for her ascendancy, and for this she required the support of Rome. And Rome had early seen the possibilities of the situation, and the less notice the new movement took of the bishop, and the greater the growing distrust of the bishop for the monk, the more Rome rejoiced. For in the checking of the overgrown power of the bishop the papacy recognised that Cluny could prove an invaluable ally. Not that the Cluniacs seem to have preached any special doctrine as to the papal power. Such is not to be found in their literature, while to Abbo of Fleury, their most prominent literary exponent, the ascendancy of the crown over both worldly and spiritual dignities was the foundation of all public law.¹⁷ Indeed, not foreseeing that conflict might arise between the two powers, Abbo never clearly defined their spheres, and his confusion of thought was very characteristic of the whole Cluniac position. First in Waso of Liège is to be found a clear recognition of the issues to which the study of canon law must inevitably lead. Cluny on the contrary was influenced by practical considerations. Like the close friend of her abbots, Peter Damiani, she felt that church and state might mutually aid one another. And indeed much of the success of her reform she owed to the help of the temporal power, while many of the monasteries given over to her were either royal or imperial. The Cluniac too had a due respect for dignitaries. Thus Odilo's deference to the great is noted with approval,¹⁸ while the same characteristic is praised in Maiolus.¹⁹ The emperor's interference in the papal election seems at no time to have caused the Cluniac any misgivings. When urged by Otto II and his imperial mother to accept the tiara Maiolus refused; but his refusal, based on the conventional grounds that he was unworthy, loth to leave Cluny, and on the practical consideration that he and the Romans might not agree,²⁰ showed no consciousness that such power of choice did not lie with the emperor.

It would perhaps be putting Maiolus out of his age to expect this; but what is more important, we shall find no such consciousness in Odilo, although already in his day isolated voices were to be heard in protest. On the contrary Odilo, we are told, was of one heart and mind with Conrad II and Henry III.²¹ He was the friend of the latter, 'who loved him beyond measure, and humbly adhered to his counsels.'²² He gave his approval to the action of the emperor at

¹⁷ Sackur, *Die Cluniacenser*, ii. 305.

¹⁸ *Vita Odilonis*, i. 7: *Principibus et potestatibus Christianis secundum apostolicam sententiam in nullo restitit sed ita amicabilem et officiosum se reddidit ut . . . ab omnibus amaretur.*

¹⁹ *Vita Maioli*, i. 7.

²⁰ *Ibid.* iii. 8: *Ego et Romani . . . minime convenimus moribus.*

²¹ *Vita Odilonis*, ii. 12: *Illis cor unum et anima.*

²² *Ibid.*: *Qui supra modum eum diligebat, illiusque consiliis humiliter adherebat.*

the Roman synod of 1046, and was present at the deposition of Benedict IX and the elevation of Clement II. We are expressly told that he favoured the raising of the latter; *dans gloriam Deo qui Romanum imperium, electo iustissimo praesule et catholico reipublice principe, sedatis malorum turbinibus roborare voluerit*.²³ It may indeed be said that the evils of the time justified this approval, which Odilo shared with many. Yet after all the situation had seemed to be settling itself. Gregory VI was indisputably pope. Of his two rivals Benedict IX was living as a layman, while Silvester III had quietly retired to his bishopric. It is possible, but hardly probable, that Henry III had only then heard of Gregory's simoniacal transaction. When he crossed the Alps he does not seem to have decided on his deposition, and indeed, owing to our lack of information, it is difficult to understand why he acted when he did.²⁴ Still, whatever his motives were, it is significant that in this moment of the papal degradation there were men as eminent in virtue as Odilo who, unlike him, saw beyond the exigency of the moment and condemned the imperial action. We must contrast with Odilo's the proud attitude of Waso of Liège, who after mature consideration, and drawing his conclusion from the writings of the fathers, declared that the pope was subject to God alone:²⁵ on Clement's death, he held, no new candidate required to be elected, for Gregory VI was still the rightful pope.

Through the purging of the papal chair, however, Odilo came nearer to the emperor and the emperor's pope. He seems to have been present at the anti-simoniacal council which Clement held, and at which the Cluniacs looked on the emperor as the moving spirit.²⁶ It may be noted too that whenever Clement's name is mentioned in the *Vita Odilonis*, it is with the honorific '*piae memoriae*,' while Odilo, we are told, rejoiced in his converse and his apostolic benediction.²⁷ We may again contrast with this the argument of the contemporary clerk from Lower Lorraine, who maintained that, owing to the manner of his election, Clement II was no pope.²⁸ The attitude of Cluny

²³ *Vita Odilonis*; first printed in *N. Arch. der Gesellch. für ält. Deutsche Geschichtskunde*, xv. 119.

²⁴ Professor Hauck suggests, *Kirchengeschichte*, iii. 586, that Henry may have found that Gregory, who had succeeded in binding the Romans to him by oath, was becoming politically dangerous. He discredits (p. 583) Bonizo's statement, *Ad Amicum*, v. 585, that the Romans had sent an embassy to Henry begging for his intervention.

²⁵ Anselm, *Gesta Epp. Leod. Monum. Germ. hist., Scriptores* vii. 224: *Summum pontificem a nemini nisi a solo Deo diiudicari debere. Recogitet . . . ne forte summi pontificis sedes depositi a quibus non oportuit, ipsi divinitus sit reservata.*

²⁶ Rod. Glaber, v. 5.

²⁷ *Vita Odilonis*, i. 14: *dulcis memoriae Clementis papae desiderabilis collocutio et apostolicae reverentiae benedictio.*

²⁸ *Forschungen zur Deutschen Geschichte*, xx. 570. The anonymous author knew the Pseudo-Isidorian Decretals. No layman, he argued, had the right to interfere in the church. He condemned Henry's motives as personal: that is, Henry knew that

was very different. She had regarded with sympathetic interest every intervention of the emperors for the reform of the church from the days of Otto I to Henry III. She had rejoiced at the purification of the papacy, at its gradual ascendancy over the noble families at Rome, and at the attempt of the reformed papacy to tighten the reins of discipline over the bishop. In this last point indeed she had proved an invaluable ally. But further than this she was not prepared to go, and when the movement under Stephen IX turned from the reform of the church to its freedom, the Cluniac held back. The anti-imperial bias of the new reform movement estranged his sympathies, and Cluny had perhaps stood too near the emperors to get the proper perspective. When therefore the movement for the freedom of the church took new impetus under Gregory VII, and when the latter worked to set the church above all temporal and worldly powers, the reformed monasteries took neither a decided nor a unanimous stand for the papacy. 'One can say, in fact, that a party movement could only go forth from Rome.'²⁹

On two other points of the Gregorian reform, against simony in the church and the marriage of priests, Cluny cannot be shown to have been a pioneer, though she no doubt assisted the movement by sympathy from outside. True, her general aim had been to awaken a spirit of holiness in the world, and as many of her monks became bishops she had helped to raise the standard of spiritual life in the church. But for any organised campaign against either simony or the marriage of priests evidence is wanting. Silence reigns on both points in the Lives. Once in the *Vita Maioli*³⁰ there is an impersonal reference to the fact that the state of morals was improving in the secular church, and once in the *Vita Odilonis* a fleeting reference to simony; and dangerous as it may be to argue from silence, it is perhaps still more dangerous to maintain a theory, which, with no other proofs, is built up in defiance of that silence. On this point we believe Kerker's judgment to be sound,³¹ while Hauck cites William of Dijon's zeal against simony as in striking contrast

he could never force Gregory VI to recognise his uncanonical marriage; therefore he chose a pope who would not dare to oppose his will.

²⁹ 'Man darf geradezu sagen dass eine Parteibildung überhaupt nur von Rom ausgehen konnte,' Hauck, *Kirchengeschichte*, iii. 515. Cf. Grützmacher in *Realencyklopädie für protestantische Theologie*, xiii. 183; Ladewig, *Poppo von Stablon*: 'Then Gregory VII ascended the papal chair and the whole of the Cluniac body in Lorraine turned almost unanimously against him.' Cauchie, *La Querelle des Investitures dans les Diocèses de Liège et Cambrai*; Sackur, *Die Cluniacenser*.

³⁰ i. 5.

³¹ As early as 1863 Kerker, *Wilhelm der Selige*, p. 109, wrote: 'Horror of the *haeresis simoniaca* under all its forms, and the struggle against the concubinage of the clergy, that is, the desire for the purification and freedom of the church, is the mark of a movement within the church, which did not [arise from Cluny but sprang from the heart] of the church itself and [extended itself] where Cluny's sphere of influence ceased.'

to the attitude of the other Cluniacs.³² So long however had the public conscience slept on the subject, which after all was not of vital importance to the Cluniacs, that he does not consider their indifference surprising. We believe this indifference to arise from the fact that Cluny, interested in her own reform, had little attention to spare for the secular church. Her hands indeed were very full.

For under Odilo Cluny may be said to have reached her culmination. It was Odilo who received audiences like a prince, who was welcome in every court, 'who wherever he went was followed by such a company of brothers that he seemed rather an archangel of monks than a leader or prince.'³³ It was he who boasted that he found Cluny brick and left it marble, *ad exemplum Octaviani Caesaris*. Under Odilo too Cluny played an important part in the reform of society, for in the oldest memorial³⁴ we have of the *treuga Dei* it is the archbishop of Arles, the bishops of Avignon and Nice, and Odilo of Cluny who in the name of the whole church of Gaul send forth an appeal to the clergy of Italy to keep the *treuga Dei*. Even at the end of the eleventh century the aged bishop of Autun recalled the prominent part played by Odilo in that movement.³⁵ A glance too through the list of monasteries reformed by Odilo, and churches built, bears witness to an astonishing activity. Nor with the reform of a monastery was the work ended, for several of the reformed monasteries, especially the older and more important, rebelled at Cluny's system of centralisation, and Odilo had no easy task in enforcing his authority. At the same time Cluny, great as was her renown in the world abroad, found it difficult to maintain her position of monastic autonomy over against her diocesan the bishop of Mâcon. For although theoretically she had been from her foundation exempt from diocesan control, practically this was another matter; and at a time when Rome was weak the struggle between Odilo and the bishop of Mâcon came to a head over the following dispute. Odilo had invited the bishop of Vienne to officiate at Cluny without asking permission of his diocesan, whereupon the latter appealed to the bishops of Southern Gaul assembled at the council of Ansa in 1025.³⁶ Although Odilo sought to justify himself by showing the numerous papal privileges which exempted Cluny from diocesan authority, the council refused to

³² Hauck, *Kirchengeschichte*, iii. 864: 'They did not come forward as leaders in the struggle, let alone the notion that the Gregorian ideas were produced in their circle.'

³³ *Vita Odilonis*, i. 11: *Quocumque procedebat tanta sequebatur eum frequentia fratrum ut iam non ducem et principem, sed revera putares eum esse archangelum monachorum.*

³⁴ Mansi, *Concilia*, xix. 593: *Una cum omnibus episcopis et abbatibus et cuncto clero per universam Galliam habitantibus omnibus archiepiscopis episcopis presbyteris et cuncto clero per totam Italiam commorantibus . . . Recipite ergo et tenete pacem et illam treuvam Dei.*

³⁵ Pertz, *M. G. H., Scriptores*, viii. 403.

³⁶ Mansi, *Concilia*, xix. 473.

admit their validity, formally repudiated them as contrary to the canons of the council of Chalcedon, and condemned the abbot. The dispute continued for years.³⁷

Nor was it only in the south that Cluny aroused the ill will of the bishops. From the north, written with the object of turning Robert the Pious against her, came one of the most celebrated satires of the middle ages, that of Adalbero of Laon.³⁸ For it was not only Cluny's principle of monastic autonomy that aroused hostility, but the influential position she had attained. Under Odilo she had become a factor in official circles, while her monks were ascending to high positions in church and state. In the satire she was attacked from every side, her luxury, her riches, her love of novelty, her worldliness, her political interests, the frequent absences of her abbot, and the train with which he travelled. Let other abbots guard against sending a monk to Cluny, for of the monk she made the knight. There may indeed have been some truth in the satire, for Cluny did not escape the fatality which seems ever to have lurked behind monasticism, and in her highest development contained the germs of decay. Yet Fulbert of Chartres, the first scholar of his day, could write to the Cluniacs as to men 'holy and wise,'³⁹ and to Odilo as one 'to whom he could in nothing compare himself.'⁴⁰

In Odilo's later years the Cluniac reform may be said to have come to a standstill. The most important part of her programme had been carried through. Thus Hugo, although head of an international system, yet had his hands freer than his predecessors. It is the more significant therefore to note what part he played in the Gregorian reform. That part does not seem to have been a prominent one, for Hugh stepped back, and in the struggle between pope and emperor may be regarded as neutral. Such at least seems to be the evidence to be drawn from the Lives and the papal letters. Of the Lives of Hugh five have come down to us, but four of them add little to the original, that of Gilo. Unfortunately, of all the Lives of the early abbots of Cluny, Hugh's must be regarded as the more especially written for edification. His saintly character and monastic zeal are exemplified and extolled, while miracle follows miracle in tedious succession. Scarcely once does the author refer to an historical event, while of the struggle convulsing papacy and empire he knows or says nothing.⁴¹ Only once is Hildebrand's name

³⁷ An incredible story would have it that Odilo later admitted himself in the wrong: *Gall. Chr.* iv. 1000.

³⁸ Bouquet, x. 61-72.

³⁹ *Viris sanctis et sapientibus.*

⁴⁰ *Illo sancto monachorum, cui me in nullo comparare praesumo.*

⁴¹ Rainaldus, *Vita Hugonis*, 26, mentions that Hugh tried to reconcile pope and emperor, *licet in concordiam vir Dei non potuisset adducere*. His statement however is confused.

mentioned, and that in connexion with monastic affairs—namely, the statement that Hildebrand, while stopping at Cluny on his way to France as papal legate in 1053, told how he had seen ‘the Judge of the world assisting his Hugo to cherish the regular discipline.’⁴² In the same way, when Hugh’s fame is said to have reached Rome, it was as monastic reformer.⁴³

Of the rare historical events mentioned in the Life of Hugh that of the council of Rheims is one, when we hear of Hugh’s protest against simony. But that protest may be said to cut both ways, for so widespread was the evil of simony that suspicions even of Hugh’s own election as abbot were not wanting. Questioned in his turn over that, his answer ran: *Pro adipiscendo abbatiæ honore, Deo teste, nihil dedi vel promisi; quod quidem caro voluit, sed mens et ratio repugnavit.*⁴⁴ Gilo gives the reply as *caro voluit, spiritus repugnavit*; and so great, he continues, was the admiration of this frankness that of all those present Hugh was called on by the pope to give a sermon on simony. This he did with such success that *domus Dei precepit ut Symoniaci tam populares quam clerici presbyterique uxorati a catholicorum communione arcerentur, ab ecclesiis eliminarentur.*⁴⁵ Hildebert of Lavardin, while following Gilo so far closely embellishes the story by depicting Hugh among the vacillating and fearful bishops as ‘full of authority and reverence’: *zelo succensus iustitiæ negotiationem Simonis constanter abolere curavit.*⁴⁶ The length at which the authors depict this scene makes more significant their silence as to any participation of Hugh in the Gregorian struggle. We have evidence too from Gregory’s letters that the Cluniac zeal did not always burn against simony. Enraged at *Robertum illum qui supradictæ iniquitatis auctor extitit, qui diabolica suggestionem Hispaniensi ecclesiæ tantum periculum iniecit*, Gregory with his customary vehemence wrote to Hugh: *Quanta impietas a monasterio vestro per Roberti monachi vestri præsumptionem exierit ex litteris potes cognoscere. Robertus Symonis Magi imitator factus quanta potuit malignitatis astutia adversus Petri auctoritatem non timuit insurgere et centum milia hominum qui laboris nostri diligentia ad viam veritatis redire ceperant per suggestionem suam in pristinum errorem reducere.*⁴⁷ On this account all the Cluniac monks in Spain were to be recalled.

Again, judging on the one hand from the silence of the Lives, and on the other from the tone of Gregory’s letters, it is not easy to

⁴² See Gilo’s *Vita Hugonis*, Bibl. Nat., Paris, cod. 12607, fol. 205: *mundi iudicem suo Hugoni collateralem, qui sedens a dextris regularem disciplinam fovere prosequabatur.*

⁴³ *Ibid.* fol. 204: *Fragrantia sanctitatis eius apostolicæ sedi ita redoluit, ut rectoris studio tantum confideret de nobilitandis cenobiis, de inserendis virtutibus, et vitiis extirpandis.*

⁴⁴ Mansi, *Concilia*, xix. 738.

⁴⁵ *Vita Hugonis*, fol. 206.

⁴⁶ Hildebert, *Vita Hugonis*, ii. ; Migne, clix.

⁴⁷ Greg., *Reg.* viii. 2, 3.

see how the tradition of the close friendship ⁴⁸ between the two men arose. Perhaps too much importance has been attached to Gregory's famous letter expressing his anguish over the state of the church, and, fearful lest his own soul made shipwreck, begging for the prayers of the monastery. But, as has been already noted, Cluny's efficacy in prayer was established, and it was to the abbot in his official capacity that Gregory wrote.

In none of the letters is the personal note struck, as in those of Urban II to Hugh. Several indeed bear witness to friction between the two men. Thus, irritated at the abbot's absence from Rome, Gregory wrote : *Quod non aliis occupationibus vestris imputandum esse credimus, nisi quod sanctitatem vestram labores fugere et aliquando graviora negotia quasi pigritatem quibus occasionibus declinare videmus.*⁴⁹ Business affairs had been entrusted to the abbot, *quae propter absentiam vestram aut neglecta pereunt aut competentem finem habere non possunt.*⁵⁰ Another letter has the bitter reproach, *Dum satis intendis aulicos nutrire, de rusticis parum tibi est curae* ; and ends, *Praeterea monemus fraternitatem tuam ut in talibus cautius te habeas omnibusque virtutibus dilectionem Dei et proximi praeponas.*⁵¹ On another occasion we find Gregory complaining over the *insolentia* ⁵² of the Cluniacs, and that Hugh was not strict enough with his monks. On this subject he wrote to Hugh : *Nam ut aliis taceamus, pene omnes qui sunt fratres nisi freno rationis nostrae retinerentur, amorem ab eis loco vestro exhibitum in gravem inimicitiam convertissent.*⁵³ On the other hand it is well known that throughout the struggle Hugh remained in relation with the emperor. As his godfather indeed Hugh had been connected with Henry IV from the beginning, and the imperial house and the monastery had been mutually indebted to one another.⁵⁴ On the death of her husband we find Agnes writing to the abbot and begging him to safeguard the child's (Henry IV) interests in that neighbourhood.⁵⁵ And Henry himself was ever wont to recognise Hugh as his spiritual father,⁵⁶ and when rejoicing over the submission of his rebellious son he thanked him

⁴⁸ Largely owing to the theory (now discredited) that Hildebrand was a monk at Cluny.

⁴⁹ *Reg. i. 62* (1075), p. 81.

⁵⁰ *Ibid.*

⁵² *Reg. viii. 52.*

⁵¹ *Reg. vi. 17*, p. 351.

⁵³ *Reg. viii. 2*, p. 429.

⁵⁴ [It should however be noticed that the letter to Hugh, bishop of Die, attributed to Gregory, in which he speaks of the abbot's *serpentis astutia* (Jaffé's *Regesta Pontificum*, ed. 2, no. 5183), is an admitted forgery.]

⁵⁵ Migne, clix. 932 : *Turbas, si quae contra eum in vestris vicinis partibus regni sui oriuntur, etiam consilio sedare studeatis.*

⁵⁶ According to Berthold, p. 289, Hugh was only released, a few days before the emperor went to Canossa, from the excommunication which he suffered on account of his connexion with Henry.

that *tuam semper pietatem et paternam erga nos sollicitudinem benigne experti sumus. . . . Pater carissime, ad te post Deum quasi ad singulare refugium necessitatis nostrae recurrimus.*⁵⁷ Indeed, when Henry IV still lay under the papal ban, Hugh did not discontinue the prayers of his monastery for the emperor's soul—a fact which roused the indignation of Halinard of Lyons, who complained to Matilda of Tuscany that he had taxed Hugh with this error only to receive an evasive reply. Nor though urged to repentance had the abbot recognised his fault.⁵⁸

We have not so far found evidence that Cluny was the pioneer of the Gregorian reform. The theory that it was, in fact, rested largely on the now discredited hypothesis of Hildebrand's having been a monk at Cluny. That statement is to be found in only one contemporary, Bonitho of Sutri,⁵⁹ whose *Liber ad Amicum* Martens dismisses as 'thoroughly unhistorical.'⁶⁰ Then in the middle of the next century Otto of Freising,⁶¹ not only followed Bonitho, but added further, what he admitted he had only heard as a rumour, that Hildebrand had been monk and prior of Cluny. It has been proved, however, that the statement cannot be made to tally with the known facts of Hildebrand's life, and Otto is held to have erred through a confusion of names.⁶² Unfortunately the editor of the *Bibliotheca Cluniacensis*⁶³ took Otto's assertion not as the rumour he confessed it to be but as original evidence, and in giving a list of popes who honoured Cluny by their presence, mentioned Gregory VI as having died there and Hildebrand as *antea monachus et prior Cluniacensis*. The Bollandists repeated the same error. Arguing from this premise, it was believed that to Odilo 'belonged the glory of having formed Gregory VII'; and as the early history of the monastery had not been examined, there seemed to be no discrepancy in attributing Hildebrand's ideals back to Cluny. Hildebrand had been a Cluniac monk, therefore his ideals were those of the monastery. The hypothesis has been accepted especially in France.⁶⁴ Thus Champly, following Otto of Freising, depicts Hugh and Hildebrand remonstrating with Leo IX over his election, and then deduces the following conclusion: '*de cette entrevue et des*

⁵⁷ Migne, clix. p. 934.

⁵⁸ D'Achery, *Spicil.* (ed. 1723), iii. 426: *Neque tamen debita poenitentia errorem cognitum emendavit.*

⁵⁹ Paul of Bernried (*Vita Gregorii*, c. 10) was formerly cited also as an authority; but he only states that Hildebrand stayed in *Francia*, which might apply to the Rhine district.

⁶⁰ Martens, *Gregor VII.*

⁶¹ *Chronicon*, vi. 33.

⁶² A Hildebrandus was *praepositus* of Cluny in the time of Odo.

⁶³ Marrier, *Bibliotheca Cluniacensis* (1614), preface.

⁶⁴ See the histories of Cluny by Champly (1873), Lorain, Pignot, and Cucherat.

conseils que les deux amis suggérèrent au souverain pontife, surgit cette grave question qui allait agiter les XI^e et XII^e siècles. Les inspirations et les conseils d'Hildebrand et de saint Hugon avaient fait naître la lutte de la papauté et de l'empire.' As late as 1888 and 1898 d'Huillier et Jardet tend to follow this method,⁶⁵ while Burgerette even in 1905 can still write, 'the Gregorian reform meant putting into action the ideas of Cluny.' Luchaire also saw in Hugh *l'ami et collaborateur de Grégoire VII*, and added the impossible statement, '*avocat de la papauté il parle pour elle dans tous les conciles.*'⁶⁶ 'Nul,' he continued, '*n'a travaillé plus activement à la fondation de la théocratie romaine.*'⁶⁷

There was no argument with which to controvert this view until the early history of Cluny had been scientifically examined, and this was not done until Sackur took the subject in hand. Previously to his work the majority of German historians had accepted the theory of the Cluniac Hildebrandine reform, and as that theory had behind it such great names as those of Ranke and Giesebrecht⁶⁸ there is little wonder that other historians followed them. Yet it is curious that both Ranke and Giesebrecht accepted so implicitly the story of Hildebrand's stay at Cluny seeing that Mabillon had rejected it. Giesebrecht indeed went so far as to credit Hildebrand with sentiments for which the authorities give no justification. Thus Hildebrand, he tells us, found Cluny '*sehr heimisch*,' and later often asserted that 'he would have desired nothing more than to have closed his days in prayer and contemplation behind Cluny's walls.' Such a sentiment is to be found neither in the letters nor the manifestoes of the pope.⁶⁹ Nor can any evidence be found for the words, 'that Hildebrand left Cluny unwillingly we know from his own mouth,' for all that Hildebrand said is that he followed Leo IX unwillingly.⁷⁰

Further it may be pointed out that before the early history of Cluny had been thoroughly examined, historians seem to have erred by reading her later position into her earlier history. For not till the time of Innocent II can the Cluniacs be said to have rallied as a body to the Gregorian standard. As has been mentioned,⁷¹ when the struggle between pope and emperor broke out Hugh stepped into the background. Under Urban II however, his is a prominent figure, and Hauck suggests that his influence may be seen

⁶⁵ D'Huillier, *St. Hugues*; Jardet, *St. Odilon*.

⁶⁶ The only time that Hugh is reported to have spoken was at the synod of Rheims, where he was answering a charge against himself, see above, p. 28.

⁶⁷ Laviisse, *Histoire de France*, ii. 2, p. 131.

⁶⁸ Both were probably influenced by J. Voigt's lengthy work on Gregory VII (1815).

⁶⁹ Martens, *Gregor VII*, p. 283.

⁷⁰ *Reg. vii.* 14a, p. 401: *Invitus ultra montes cum domino papa Gregorio abii, sed magis invitus cum domino meo papa Leone ad vestram specialem ecclesiam redii.*

⁷¹ Above, p. 27.

in the fact that Urban was rather concerned in securing his position against Wibert than in pursuing the Gregorian ideas with any great vigour.⁷² In this connexion it is interesting to find Halinard of Lyons, whom Gregory had expressly hoped might be his successor, complaining of the attitude of the Cluniacs towards himself⁷³ in a letter to Matilda of Tuscany which continues with great bitterness against the monks. Halinard indeed was of a more uncompromising temperament than Urban II, who, although he began his pontificate with the declaration that he would follow in the footsteps of his great predecessor, soon adopted the more moderate policy of Victor III. On several occasions Urban gave the exigencies of the times⁷⁴ as his reason for action, for unlike Gregory VII difficulties caused him not to heighten but lower his demands. In this shaping of his course by practical reasons may perhaps be seen the evidence of his Cluniac training.

Part of the argument may resolve itself into the inquiry, how much originality should be accorded to Gregory VII? On fewer figures has research of late years been more busy, and on few has a greater change of opinion come about. Thus Martens in his remarkable book on Gregory reproaches his predecessors for not having dared to recognise the originality of the great pope. He boldly makes Gregory the unique founder of the 'hierocratic' system, while he finds it difficult to say who influenced him.⁷⁵ There is no word of Cluny. Other writers,⁷⁶ while discarding Cluny's claim, look for that influence to men within the church, and primarily to Waso of Liège. For it was he who by his celebrated protest over Wigger of Ravenna first showed that the interference of the emperor in church affairs was irreconcilable with the principles of canon law; who on a later occasion upheld the majesty of the episcopal anointment as against the imperial; and finally whose decision concerning the papal election has an importance which cannot be over-estimated. An ardent student of canon law, he was regarded by Leo IX as 'the living rule of ecclesiastical discipline,' while his example had done much in awakening an eager study of canon law in the bishops' towns on the Rhine. And it was precisely in this district that Hildebrand is now held to have studied during his exile.⁷⁷ Surely then he must have there become acquainted with the new idea, an idea which does not seem yet to have penetrated to Cluny.

⁷² Hauck, *Kirchengeschichte*, iii. 860.

⁷³ D'Achery, *Spicil.* iii. 426: *A monachis Cluniacensibus nobis tantas super-gressiones et iniurias inferri ut nullomodo eas aequanimiter sustinere valeamus.*

⁷⁴ *Pro temporis labore; . . . pro tempore; . . . pro temporum et personarum qualitate.*

⁷⁵ Martens, I. p. ix: *Gregor VII aber hat mit originaler Kraft das hierokratische System geschaffen.*

⁷⁶ Sackur, *Die Cluniacenser*, p. 311; Cauchie, *La Querelle des Investitures dans les Diocèses de Liège et Cambrai*; Hauck, *Kirchengeschichte*, iii.

⁷⁷ *In ecclesia Coloniensi enutriti sumus.*

In addition to this, Hildebrand must probably have been familiar with the book against simony by Cardinal Humbert, who according to Hauck is to be taken as representative of the new strivings of the reform party within the Curia, just as Peter Damiani, the close friend of Cluny, was of the old. Humbert worked for the freedom of the church. He was the deadly opponent of simony. Lay investiture he regarded as coming under that heading, and simony being in his eyes a heresy, the simoniacal to him was outside the church. Defying the existing state of things he condemned the interference of the lay prince and emperor in the church. In requital for such interference he pictured even Henry III, notwithstanding all the church owed him, in the flames of hell. How far this was from the point of view of the Cluniacs may be seen in the fact that Odilo had ordered the memory of Henry II, an avowed simonist, to be celebrated regularly in all Cluniac monasteries along with that of departed Benedictines.⁷⁸

To sum up, from the Lives of the first five abbots of Cluny we find no evidence for the connexion of the Cluniacs with the reform of Gregory VII. Indeed what slender evidence they afford points in the opposite direction. Regarding monasticism as a higher calling than that of the church, engrossed in monastic reform and in the constant struggle to uphold her principle of autonomy, Cluny had little attention to spare for the secular church. Nor was that her sphere. She preached holiness, and if she saw her way to attain that end she took the means that lay nearest to her hand. As many of her monks became bishops, she undoubtedly helped to raise the standard of spiritual life in the church. Yet it appears that the only part she can be said to have played in preparing for the reform of Gregory VII was an indirect one. She had become an international system, and by looking beyond the bishop to the pope⁷⁹ as head, she had enormously strengthened the prestige and power of Rome.

L. M. SMITH.

⁷⁸ Migne, cxlii. 1038: *Neonon ut memoria chari nostri imperatoris Heinrici cum eisdem praecepit agatur constituimus ut merito debemus multis ab ipso dilati opibus.*

⁷⁹ *Cluniacense monasterium longo iam tempore sedi apostolicae constat esse unitum:* Greg. Reg. vii. 8, p. 389.

Early Prize Jurisdiction and Prize Law in England

PART III ¹

THE civil war, 1643-9, produced fresh developments in naval war and prize law. The greater part of the king's ships sided at once with the parliamentarians, but a few followed Prince Rupert, and royalist commissions to capture or destroy ships belonging to rebels against the king were issued to a number of small craft, sailing mostly from Ireland, the Channel islands, or Scilly. These, during the king's lifetime were signed by him,² or by Prince Charles,³ or the council of the Confederated Catholics of Ireland⁴; after his death they were signed by 'Charles R.'⁵ (Charles II, whilst abroad), the duke of York,⁶ Rupert,⁷ and the marquis of Ormonde.⁸ These commissions direct that prizes should be taken to ports in England which adhered to the king, or after his death to Ireland, Scilly, the Channel islands, or to ports on the continent such as Dunkirk, which were friendly to the royalists. At Dunkirk⁹ an admiralty court was erected by Charles after his father's death, and prizes captured from the parliamentarians were condemned there. A commission of 1645 directs the bearer to carry his prizes to the admiral¹⁰; and Rupert had on board his fleet a civilian, Dr. Hart, who appears to have gone through the form of condemning at sea prizes that could not be adjudicated upon elsewhere.¹¹ An order of Don John of Austria, dated 15 August 1656,¹²

¹ See *ante*, vol. xxv. pp. 243 ff.

² To Nicholas Crispe (1645), miscell. 1147; to George Pytts, to capture ships bound to fifteen named parliamentary ports, issued by Sir John Pennington, royalist admiral (1645), *ibid.*; to Captain Byng (1648), miscell. 1133. Miscellaneous, sentences, prize acts, instance papers, libels, examinations, prize appeals, and letters of marque declarations are amongst the records of the high court of admiralty.

³ Signed 'Charles P.' (1648), miscell. 915 and 1133; Add. MS. 9299, f. 171.

⁴ Dated 1648, miscell. 1147.

⁵ Miscell. 915 and 926 (1649); miscell. 1159 (1650); Egerton MS. 1618, f. 43 (1650).

⁶ Miscell. 913 (1650); miscell. 926 (1657).

⁷ Miscell. 926 (1649); miscell. 1133 (1650).

⁸ Miscell. 915 (1649).

⁹ State Papers Dom. Interr. I. lxiii. pp. 110 ff.

¹⁰ Miscell. 1147.

¹¹ State Papers Dom. Interr. I. lxvii. pp. 80-87.

¹² Add. MS. 15938, p. 45.

authorised the sale in the Netherlands of prizes captured by royalist ships. These royalist commissions follow in substance the forms of those in other times issued by the admiralty court against a foreign enemy ; but the precedents and machinery of that court being in the hands of the parliament, and the circumstances of the war being altogether novel, they are necessarily informal and different in effect.

On the other side parliament, on 30 November 1643,¹³ authorised the issue of letters of marque against royalist 'revolted' ships, and also against all ships English or foreign trading to royalist ports. The ordinance authorises the setting forth of ships for the guarding of the seas and the defence of the king's¹⁴ dominions. After reciting that warlike stores are being carried to Newcastle, Scotland, and elsewhere, to aid the enemies of parliament, and that volunteers have fitted out ships against them, it provides for the victualling of these private men-of-war by the State, and enacts that all captures made by them, after adjudication in the admiralty court and payment of tenths and customs, shall belong to the captor. All stranger ships are to be visited, and if any refuse to submit to search 'then they shall by all means possible and with all force compel them to yield and submit themselves to reason and justice.' There is a provision that commissioned ships are not to be under the order of any admiral, except in case of foreign invasion ; 'they may seek and take their purchases when and how they please,' but not from under the guns of any royalist fort. They are not to go south of 47 North latitude, except to follow a chase ; and they are to keep the sea, and not lie in any port more than six days. Other provisions of this ordinance and of instructions dated 15 January 1644 which accompany them are similar to those of Charles' and previous reigns.

In 1643,¹⁵ the earl of Warwick is styled 'Lord High Admiral of all the islands and English plantations within the bounds and upon the coasts of America,' and issued letters of marque as such. No patent however has been found conferring upon him the admiralty of the plantations ; the first in which that title occurs being the patent (1662) of the duke of York mentioned below. Warwick resigned the admiralty in 1645, and no other lord high admiral was appointed during the Commonwealth. In 1643 he received a commission to capture ships of rebels against parliament.

The recognition of a distinction between the instance and the prize jurisdiction of the admiralty court, and the severance of its civil from its prize business, begun in 1625, becomes more marked during the Commonwealth. The arrangement of the records is different, the change being first shown in the filing of prize sentences. In and after 1643 these are collected together and bound in volumes,

¹³ Scobell, *Acts and Ordinances*, p. 9 ; miscell. 1147.

¹⁴ The language and forms in use during the monarchy were for some time kept up.

¹⁵ Miscell. 1126 ; *State Papers Colonial*, x. 98.

the first of which ¹⁶ lettered 'A Book of Reprizall Sentences beginning in the yeare 1643 and ending in the yeare 1649' contains 322 sentences condemning *secundum ordinationes Parliamenti in hac parte editas* royalist prizes and ships trading to royalist ports. This and twenty-two other similar volumes, each containing from 100 to 400 sentences, represent the prize work of the court from 1643 to 1702, including condemnations of ships for breach of the Navigation Acts of 1651 and 1660. In other classes of records documents relating to prize suits continue for many years to be mixed with those relating to instance suits, the procedure of the 'spoil' suit of early days being retained in cases of illegal capture which in later days would come under the prize jurisdiction of the court; the files of libels contain the documents of suits relating to joint capture, misconduct of privateers, embezzlement of prize goods, capture without commission, non-payment of tenths, and other matters which in later times would have been held to belong to the prize and not to the instance side of the court. In 1651 ¹⁷ the bonds entered into by owners of privateers for their good behaviour were for the first time collected and bound in a separate volume, the first of a series which was continued to the French war of the last century.

Before the Commonwealth the examination of witnesses taken upon the bringing in of a prize had been taken upon a commission issued for each case: towards its end standing commissions were issued to mayors and others at the outports, thereby saving much time and expense to the captors; subsequently this system was extended to continental ports and the colonies. Prize commissioners had been appointed by Charles at the beginning of the war of 1625 for the purpose of taking possession of captures as soon as they were brought in, protecting them from peculators, selling or preserving perishable cargoes, and generally guarding them until adjudication; after adjudication their duty was to deliver the prize to the captor or restore it to the owners, according to the sentence of the court or the order of the council. Their office, after the Restoration, became one of importance, and the correspondence connected with it is voluminous. Duties which had previously been discharged in an irregular way by the vice-admirals of the coast, including the collection of the king's and lord admiral's shares of prizes, were more efficiently discharged by the commissioners. The custody and preservation of 'ship papers' was provided for in 1653¹⁸; these usually included the documents of title to the ship and cargo and supplied the principal evidence for or against condemnation, and a fraudulent captor was apt to destroy or conceal them.¹⁹ Torture to extract false statements as to the nationality and ownership of a captured ship and cargo is constantly mentioned; threats were fulminated against the practice,

¹⁶ Sentences, Prize, 1.

¹⁷ Miscell. 1433.

¹⁸ State Papers Dom. Interr. lxviii. 220.

¹⁹ Acts 220, 16 February 1651.

but to small effect.²⁰ During the Commonwealth the admiralty court had little independence ; it was subservient to and acted under the immediate orders of the government represented by the admiralty committee. When in doubt whether Rupert was to be treated as an enemy or a pirate, the judges, of whom there were at that time two or three, asked for instructions from the commissioners.²¹ When Warwick ceased to be lord high admiral, privateer's bonds, which had previously been taken in the name of the lord admiral, were entered into with the speaker of the house of commons.²²

The prohibition of trade with royalist ports and the search of foreign ships for contraband soon brought the parliamentary fleet into collision with the Dutch. The States General protested against the visitation, search, and capture of their traders, but to no purpose. In 1645²³ the house of commons ordered their answer to the Dutch complaints to be printed. The captures complained of were the 'Utrecht,' 'Thomas Bonaventure,' 'Paul,' 'Golden Parrot' (or 'Falcon'), and 'Tiger.' All, except the 'Tiger,' had been condemned for carrying men and arms to or for trading with royalist ports. The 'Utrecht' was a State ship, ostensibly protecting the herring fleet ; three of the others were captured in Dutch waters. All seem to have been restored by parliament, but under protest ; the paper concludes with a statement of English grievances against the United Provinces. The tension between the two countries was already acute.

A further and more elaborate enactment touching prize was passed in 1649.²⁴ It recites previous ordinances, including that of 1643, authorises the issue of letters of marque against royalist ships and ships commissioned by 'Charles Stuart' or Rupert, and makes elaborate provisions for the division of prizes between the captors, the State, and the sick and wounded and relatives of the slain ; it was evidently intended to attract volunteers to the fleet. Under this Act one half of a man-of-war captured by a State's ship went to the officers and crew of the captor, the other half to the sick and wounded ; if the enemy was destroyed, gun money at the rate of 10*l.* to 20*l.* per gun, according to her size, was to be paid. If the capture was a merchant ship, one-third went to the captors, one-third to the State, and one-third to the sick and wounded. If the captor was a hired ship, one-third went to the captors, one-third to the sick and wounded, one-sixth to the owners of the captor, and one-sixth to the State. The lord admiral's tenths were appropriated to the purchase of medals and rewards ; and recaptured ships were to pay one-eighth of

²⁰ State Papers Dom. Interr. 7 November 1655 ; *ibid.* cxxviii. 78.

²¹ State Papers Dom. Interr. 8 November 1653.

²² Miscell. 1133, 1140, 1151.

²³ Instance Papers 5, 1651 (bundle).

²⁴ Scobell, p. 9 ; miscell. 1415, f. 99 ; some of the commissions to privateers are set out in full, *ibid.* ff. 65, 82.

their value to the recaptors.²⁵ In the same year, 1649, letters of reprisal began to be issued against foreign powers, and instructions for privateers, dated 19 December 1649,²⁶ followed. These contain some new provisions: (1) proof of loss is to be made in all cases; (2) captures are to be made only 'upon the seas' except in the case of ships and goods belonging to the actual wrongdoer, which may be seized elsewhere, even in the port of a foreign prince; (3) the name, tonnage, and particulars of every ship bearing letters of reprisal are to be recorded 'to the intent that the same may be justly accounted in their (the owners') charges and expenses in obteyning their satisfaction'; and (4) the captor is to take no more than he has lost, the surplus to be restored.

The question whether the English admiralty court would exercise its jurisdiction in the case of a prize brought to England by a foreign captor arose in 1649. It was held that 'the matter not being cognisable in the court of admiralty of this Commonwealth,' the case must be dismissed, and the ship, a *Hamburgher*, restored.²⁷ But in 1659²⁸ prizes to 'strangers' ships by colour of commissions from foreign princes or states' appear to have been treated as subject to the court; and in 1662²⁹ a capture made under a commission from the king of Sweden against Denmark and Holland was adjudicated upon. The practice of taking prizes to the port of a friend seems to have been common, both with English³⁰ and foreign captors, and probably it was not easy for a court to decline jurisdiction in such cases, especially when part of the cargo belonged to subjects of the country to which the prize was brought. In the English admiralty, where from Elizabeth's time service under foreign princes was constantly forbidden³¹ by proclamation, the old jurisdiction in 'spoil' cases would be available in such cases. In 1667,³² during peace between England and Holland, a Dutch ship with goods on board from France was seized by an Englishman, the '*St. Andrew*' or '*Have-at-all*,' under a commission from the king of Spain against France. She was brought into the Downs, where at the instigation of the Dutch ambassador the captain and lieutenant of the '*Have-at-all*' were arrested.

Visitation and search, which the Commonwealth government had insisted upon against Dutch and other ships so long as any of the

²⁵ The same year 1000*l.* was set apart for this; *Calendar of State Papers Dom. Interr.* 8 May 1649.

²⁶ *Miscell.* 1415, f. 35.

²⁷ *State Papers Dom. Interr.* I. lxiii. p. 405; the captor was the '*St. Peter*' of Nieupoort in Flanders.

²⁸ *Instance Papers* 7 (bundle 1659).

²⁹ *Libels* 115, No. 46; the '*Waterdogg*' (Dutch?).

³⁰ *Stoakes* took prizes to Toulon in 1658.

³¹ Cf. proclamations of 1662 and 1664; *State Papers Dom. Chas. II.* lvi. 82; *ibid.* xcviii. 118; *libels* 113, No. 245.

³² *Miscell.* 1159.

English ports remained in the hands of royalists, were fiercely resented when applied by the Dutch against English ships. In 1650³³ an Act, reciting that English ships had been seized and spoiled of their cargoes by French and other foreign ships under pretence of visitation and search, directed that they should 'deny and make defence against such visitation,' and should resist and capture any ships offering to search or hinder them in their trading. Another Act³⁴ of the same year authorised the capture of ships trading with royalists in the West Indies or Virginia. This Act, originating in the domestic troubles of the civil war, contained the germs of a policy of an entirely different character. The Navigation Act³⁵ of the following year, followed by the well-known Act of 1661,³⁶ were avowedly protective measures, framed for the protection of English shipping in time of peace; they were the foundation of the commercial system which lasted down to the last century.

The volumes³⁷ of prize sentences for 1650-9 contain, together with the usual war and reprisal sentences, many condemnations of ships for breach of the Navigation Acts of 1650 and 1651. These captures were made by State ships, and also by commissioned merchant ships³⁸; and as directed by the Acts, when brought to England, they were condemned by the admiralty court as prize, the captors taking one half and the State the other. Captures under the Act of 1660 were dealt with in the same way.³⁹ There was more difficulty in dealing with captures taken to the colonies. In 1653⁴⁰ the 'Spirito Sancto' was condemned in New England for breach of the Act of 1651; perhaps the first instance of the exercise of prize jurisdiction in the colonies. The legality of this sentence is doubtful, and in 1663⁴¹ it was found necessary to pass an Act to condemn prizes in these cases; the Act gave one-third of the prize to the king, one-third to the colonial governor, and one-third to the captors. In Maryland it seems that a special admiralty court was held in 1685⁴² for the purpose of condemning the 'Friends' (or 'Planters') Advantage' under this Act. A commission⁴³ granted to the 'Helena' in 1651 contains recitals which show the course of legislation prior to that year. The prize Act of 1649, aimed at the royalist forces at home, is first set out; then follows the Act of 13 April 1650 with a statement that foreign ships having taken upon them to visit and search English ships, under

³³ Scobell, p. 117, cap. 7; miscell. 1415, ff. 38, seq. examples of these letters of marque.

³⁴ Scobell, p. 132, cap. 28. The 'Gundebanke,' bound from Jersey to Virginia 'under the command of Charles Stuart,' was captured in 1650; miscell. 1147.

³⁵ Scobell, p. 176, cap. 22.

³⁶ 12 Chas. II, cap. 18.

³⁷ Sentences, Prize, 4 and 5; see Nos. 52, 71, 94, vol. iv.; No. 9, vol. v.

³⁸ *Acts of the Privy Council, Colonial*, ii. 501.

³⁹ Admiralty Sec. In letters 5039, f. 798.

⁴⁰ Libels 111, Nos. 224, 231, 268.

⁴¹ 15 Chas. II, cap. 7.

⁴² Instance Papers, 11.

⁴³ Miscell. 1433, f. 102.

colour whereof they had spoiled and captured them, parliament had decided to grant commissions 'to enable them and give them free lycence and authority not only to deny and make defence against any such visitation . . . but also . . . to fight with surprize and take' them; then the Act of 3 October 1650 is recited, whereby it was declared that rebels in Barbados, Bermuda, Virginia, and Antigua are by the law of nations not to be permitted to trade with any; and lastly an Act of 1 December 1650 forbidding the carrying of contraband to Scotland.

The appointment of Popham, Deane, and Blake as generals at sea on 12 February 1649 was due to foreign complications arising out of the growing hostility of the Dutch and the necessity of putting an end to the career of Rupert's marauding squadron, then operating from Irish ports. After blockading Rupert for some months in Kinsale Blake was driven off the coast by weather, and Rupert escaped to Lisbon. Blake followed him, and early in 1650 Popham took out some ships to his assistance; from March to May 1650 they watched the mouth of the Tagus. Instructions to Popham, dated 25 April 1650,⁴⁴ are peremptory: to attack and destroy the 'revolted' ⁴⁵ ships and to seize ships adhering to the late king; to seize Portuguese ships, if the king of Portugal showed hostility to Parliament; and lastly to capture French ships to recompense English shipowners who had suffered loss and could not afford to right themselves by letters of reprisal. Blake soon after his arrival at Lisbon, in order to strengthen his fleet and to prevent them falling into the hands of the French, seized some English ships with Portuguese goods on board bound for Brazil. He also made some captures, which were sent to England for adjudication. The novelty of the political situation and the impressment of the English ships raised questions of international and prize law for which there was no precedent.⁴⁶ As to the latter the admiralty lawyers advised the government, upon somewhat doubtful grounds, that freight was payable on the Portuguese goods. As to the goods and captures, they were condemned as prize, but the Act of 1694 does not appear to have been followed in their distribution; three-sixths went to the State, two-sixths to the owners of private men-of-war accompanying the fleet, and one-sixth to the officers and crews of the captors; the sick and wounded got nothing.⁴⁷ When the king of Portugal found that his hospitality to Rupert involved the stoppage of the Lisbon trade, Rupert had to depart. The same fate awaited him at Toulon, whence he had to put to sea under pressure from France.

⁴⁴ In 1648 some ships had gone over to the king.

⁴⁵ *State Papers Dom. Interr.* I. lxiv. pp. 255-260; printed in *Thurloe*, i. 144.

⁴⁶ *State Papers Dom. Interr.* xv. 38. The English government evidently had doubts as to the legality of their instructions to Popham and Blake; the admiralty lawyers however justified them; *State Papers Dom. Interr.* 11 and 12 October and 14 November 1650.

⁴⁷ *Sloane MS.* 1039, f. 115.

His squadron being finally reduced to one ship, all hope for the royalist cause at sea was extinguished.

On 30 January 1651 ⁴⁸ letters of reprisal were directed to issue in favour of Edward Gibbon and his partners against the French, to recompense them for injuries they had suffered at the hands of one De Aulney who had seized a fort on St. John's River in New England. Between 1649 and 1652 ⁴⁹ ships sailing for the American plantations commonly carried letters of marque against the 'enemies of the Commonwealth' or 'to reduce Virginia to the obedience of this Commonwealth.'

In 1652 ⁵⁰ instructions to privateers for the first Dutch war were issued. They provide that (1) no ship of less than 200 tons and 20 guns, except pinnaces accompanying larger ships, was to be commissioned; (2) all commissioned ships were to be sufficiently armed, manned, and supplied; and (3) to aid and rescue captured ships; (4) on special occasions, when required, to put themselves under the admiral's orders; (5) captures to be brought in for adjudication; (6) as to discipline and giving information of the enemy and of captures; (7) French fishermen not to be molested. At the same time all outstanding letters of reprisal were called in ⁵¹; and in the next year an order issued that no more were to be issued until the fleet was manned and had put to sea. ⁵² On 29 April 1652 ⁵³ a declaration of the admiralty judges issued to the effect that the ancient custom of pillage between decks and in the great cabin and of sails, anchors, and cables was against the law and must cease. It will be seen below that the custom was revived after the Restoration; probably it could not be stopped. The question as to the right of search was only one amongst several difficulties between England and Holland which were certain to bring on war. The matter came to a head in 1652. De Ruyter and De Witt were convoying a fleet of Dutch and other vessels up Channel; Blake with a much inferior fleet was cruising off Dover. De Ruyter had orders to resist search by force ⁵⁴; Blake, to insist upon the salute. The latter point was made the pretext for the conflict, which ended in De Ruyter carrying off the greater part of his convoy. Some of them, however, were captured by Blake, and amongst these were the 'St. Salvador,' the 'St. George' of Hamburg, and the 'Sampson' of Lübeck, all with money on board alleged to be Dutch, but claimed as Spanish. The condemnation of

⁴⁸ Miscell. 1146. There was a suit in the English admiralty court relating to this matter, *Barkley v. Wentropp*, libels 107, No. 344. The case is well known to historians of New England.

⁴⁹ Miscell. 1146.

⁵⁰ State Papers Dom. Interr. I. xxx. p. 17; printed for the Navy Records Society, *First Dutch War*, i. 359.

⁵¹ State Papers Dom. Interr. 21 January and 18 February 1652.

⁵² *Ibid.* 17 March 1653.

⁵³ Instance Papers 5.

⁵⁴ Instance Papers 5.

the money gave rise to much discussion in the admiralty court as to the burden of proving the property ; in the end this was cast upon the claimants, with the result that the money was condemned⁵⁵ ; the ships appear to have been restored. It is noticeable that instructions to Sir George Ayscue of 20 June following Blake's battle contain no direction to seize neutral ships with Dutch goods on board.⁵⁶

Peace was made with Holland in 1654, and the principal feature of the treaty⁵⁷ is the formal acknowledgment (Art. 13) by Holland of the right of England to the salute. Another novelty is Art. 21, which provides that the men-of-war of either country should protect merchantmen of the other whilst sailing in company. In 1658 the 'Paragon' of Dartmouth was captured by Dunkirkers in the presence of the 'Moon,' a Hollander man-of-war ; the captain of the 'Moon' was sued in the English admiralty for deserting her.⁵⁸ Other suits arising out of captures made during the war occur amongst the records for some time after peace was made. In 1655⁵⁹ proceedings were taken against one Pybus for capturing ships without a commission and for not bringing them in for adjudication ; sentence of condemnation passed against him.

The claim made by Charles I to the sovereignty of the narrow seas was not relaxed by Cromwell. 'You are upon all occasions as you shalbe able to mayntayne this Commonwealthes interest and sovereignty in the seas' was the instruction to Popham, Blake, and Deane in 1649.⁶⁰ In 1657 the 'Fortune,'⁶¹ a Dutch ship, was captured in the Channel by the 'Dartmouth' a league and a half from Dover for breach of the Navigation Act. She had previously been chased by two French ships, and her capture was partly owing to their presence. They claimed to share the prize, and on 24 September 1657 an order of the council of State issued directing the admiralty court to award to them one-third of the cargo of wines, with this proviso : 'and yet not being willing that the marine jurisdiction and territories of this Commonwealth⁶² should be any waies infringed, or any president made to chase or surprize ships within this marine territorie without licence or allowance of His Highness and his Councell,' it was to be recorded that the claim was allowed only as matter of grace and because of the special circumstances.

The war with Spain which followed Cromwell's capture of Jamaica in 1655 has not left many traces on the admiralty court records, nor have any instructions to privateers or orders as to prize taken in the

⁵⁵ Sentences, Prize, v. 275 to 277 ; *ibid.* vi. 184 to 186 ; State Papers Dom. Interr. xxvi. 76.

⁵⁶ State Papers Dom. Interr. xxx. p. 57.

⁵⁷ Dumont, *Corps dipl.* vi pt. 2, p. 74.

⁵⁸ Libels 113, No. 198.

⁵⁹ State Papers Dom. Interr. I. 123, f. 5.

⁶⁰ Libels 112, No. 54.

⁶¹ Instance Papers 7.

⁶² In 1696 a capture made by the 'Charlie,' an Englishman, in a friendly port was punished by forfeiture of her bond ; Admiralty, Secr. Out letters 1047, f. 34.

war been found. Universal reprisals against Spain were ordered on 1 and again on 29 November 1655,⁶³ all outstanding letters of reprisal against France having been recalled.⁶⁴ For some time previously special letters of reprisal had been issued to individuals, by which it was said that 'some have lately raised great estates.'⁶⁵ The naval war of 1655-8 was carried on mainly by the fleet and perhaps not many prizes were taken by privateers. The Spanish prizes at Santa Cruz in 1657 were burnt by Blake's order. In 1658 Captain John Stoakes, who commanded a squadron in the Mediterranean, had orders not to permit any ships under colour of being friends to carry enemy (Spanish) goods. Stoakes seized some Dutch ships, with Spanish goods on board, and in at least one case, the 'St. Maria,' claimed not only the cargo but also the ship as prize. There seems to have been some irregularity in his proceedings, and the 'St. Maria' was by order of the council delivered to her owner on bail.⁶⁶ In 1659 iron for Spain was taken out of the 'Hercules,' a Hamburg ship, by the same Captain Stoakes, but freight was paid; it would seem that Hamburg ships were treated more favourably than those of Holland.⁶⁷ During the Commonwealth there are few traces of English seamen serving under foreign flags; but after Cromwell's death there is mention of Englishmen taking commissions from the kings of Sweden and Portugal.⁶⁸ Under colour of these commissions their bearers, foreigners as well as English, carried on a legalised piracy. There was not even the check of a bond for good behaviour, under which an illegal capture was occasionally redressed.⁶⁹ In 1659 English ships with foreign commissions against ships of the Netherlands were ordered to be stayed.⁷⁰

With the Restoration the office of lord high admiral, which had been in abeyance since the resignation of Warwick in 1645, was revived. The patent to James duke of York, the king's brother, is dated 11 December 1660.⁷¹ It is in the form of previous patents, and contains no mention of foreign possessions or plantations. This was remedied by a supplementary patent dated 7 February 1662⁷² creating him admiral of Dunkirk, New England, Jamaica, Virginia, Barbados, St. Christopher, Bermuda, Antigua, Gynnie, Bynnie, Angola, and Tangier. One of the first Acts passed after the Restoration was for the regulation of the navy.⁷³ It contains three sections relating to

⁶³ *Cal. of State Papers Dom.* 1655-6.

⁶⁴ *Ibid.* 20 November 1655.

⁶⁵ *State Papers Dom. Interr.* 27 September 1655.

⁶⁶ *Libels* 114, Nos. 38, 104; *Instance Papers* 7; *Exam.* 73, 28 October 1659.

⁶⁷ *Instance Papers* 7.

⁶⁸ *Libels* 114, Nos. 35, 66; *State Papers Dom. Interr.* 18 January 1658; 7 January; 20 and 30 September 1659; 9 February and 7 March 1660.

⁶⁹ As in the case of the 'Sampson' plundered by the 'Suckling,' both Englishmen; *State Papers Dom. Interr.* 9 September 1656.

⁷⁰ *State Papers Dom. Interr.* 12 August 1659. ⁷¹ *Pat.* 12 Chas. II, pt. 17, No. 22.

⁷² *Pat.* 14 Chas. II, pt. 12, No. 6.

⁷³ 13 Chas. II, c. 9.

prize : § 6 directs ship papers to be preserved ; § 7 forbids embezzlement and spoil of captured goods, but expressly allows the custom of pillage of goods on the gun deck ; and § 8 forbids cruelty or ill-treatment of crews of enemy ships surrendering without fighting.

Instructions to privateers issued for the Dutch war of 1664⁷⁴ differ from previous instructions only in one or two points of small importance. Captures may be made on any river or creek as well as at sea ; they are to be brought into a port of England or Ireland ; and security is to be taken for the payment of the king's customs, as well as for the admiral's tenths. These instructions issued in the name of the king, but so long as the duke of York remained lord high admiral letters of marque in ordinary cases issued in his name. Occasionally, in exceptional cases, letters of reprisal were issued under the great seal by the king himself ; thus on 5 June 1665⁷⁵ letters of reprisal were granted to Sir Edmund Turner and George Carew in respect of captures made by the Dutch in the East Indies in 1648 involving a loss of 150,612*l.* By a warrant of 10 June 1665⁷⁶ the provision of the late instructions as to bringing captures into a port of England or Ireland or other port where there was an admiralty court,⁷⁷ having been found hazardous and inconvenient, was dispensed with.

The instructions of 28 January 1665 were followed by an order-in-council and a proclamation, both dated 22 February following,⁷⁸ which mark a curious episode in the history of English prize law. An attempt was made to apply the French rule of *robe d'ennemi* with the result that almost immediately there was trouble with France. The instructions took the form of a direction to the admiralty judge as to the law to be applied by him in adjudicating upon captures. The following are the new provisions in the order-of-council : (1) No claim to goods on board a Dutch ship is to be admitted ; ship and cargo are to be condemned. (2) Ships of friends or of English subjects having on board Dutch people or Dutch goods are to be condemned, together with their cargoes. (3) In other cases claims by English subjects or by friends are to be admitted, provided the claimant is properly authorised by the owner to make the claim. (4) If the ship resists search, if papers are destroyed, concealed, or fabricated, or if there are none, ship and cargo are to be condemned. (5) Ships carrying munitions of war or victuals⁷⁹ or contraband to Holland or her plantations are to be condemned. (6) Where there is a strong presumption that the claim is fraudulent,

⁷⁴ They are dated 28 January 1665 ; miscell. 1418, f. 3. This volume contains documents relating to prize matters 1664-1669.

⁷⁵ *Ibid.* f. 21.

⁷⁶ State Papers Dom. Entry Book 22, f. 168.

⁷⁷ Tangier seems to have been intended.

⁷⁸ Miscell. 1418, f. 37 ; State Papers Dom. Chas. II. cxiii. 39 (print) ; Lansdowne MS. 194, f. 18.

⁷⁹ Cf. Add. MS. 1509, f. 256.

unless security for costs is given, the ship or goods are to be condemned. (7) If a condemnation is appealed against, the ship and cargo are to be sold and the proceeds to await the result of the appeal, security for costs being first given. (8) Public notice is to be given at the Royal Exchange of proceedings taken for adjudication.

There had been some friction with France before this order-in-council was issued; the day before its issue the French ambassador was complaining of delay in restoring a French ship which had been captured, and the council directed the admiralty judge to give special despatch to French claims.⁸⁰ Shortly afterwards, on 26 March, the ambassador wrote again⁸¹ complaining of the terms of the order of 22 February applying the rule *robe d'ennemi confisque celle d'ami* to French ships; that rule, he says, was no longer applied by French courts; moreover, it was an unheard of thing that England should in her own courts apply, not English, but French law. He objected also to the seizure of victuals as contraband. He was answered that French ships could not be permitted to carry on the trade of Holland, and that they were constantly colouring Dutch goods as French, and that the rule *robe d'ennemi* prevailed not only in France but in England, where it had been enacted by statute centuries ago,⁸² and also in Spain and Portugal. This dispute was probably one of the causes of the war with France which broke out shortly afterwards. It was followed by new instructions to privateers, dated 11 May 1666⁸³ authorising the capture of Dutch and French ships and goods, and again enforcing the rule of *robe d'ennemi*. They begin with a recital that the previous instructions had been found insufficient, and contain several additions to, as well as some omissions from, those of 1665. The principal changes are that captures are not to be made in the harbours or roads of friends within shot of their cannon; if by 'invincible necessity' captures cannot be taken to a port where there is an English admiralty court, they are to be kept until they can be 'fairly and legally adjudged'; a further provision as to the inspection and production of ship papers; those on board captured ships are not to be in cold blood killed, wounded, or ill-treated 'contrary to the usages and just provision of war'; more stringent provision is made as to security given for good behaviour, payment of customs and admirals' tenths, and the observance of treaties and passports; prizes after condemnation may be kept by the captor or sold, at his option; in the notice given to the lord admiral of ships obtaining letters of marque details of their tonnage, crews, and equipment are to be given. About a fortnight after the date of these

⁸⁰ Miscell. 1418, f. 39.

⁸¹ Harl. MSS. 1509, f. 87 seq. Add. MS. 1509, ff. 145-8.

⁸² Referring apparently to 20 Hen. VI. c. 1.

⁸³ Miscell. 1418, f. 54; these seem to have been substituted for instructions against the French issued a few days before; see *ibid.* f. 52.

instructions, on 30 May,⁸⁴ almost identical ones were issued against ships and goods of Denmark. It will be noticed that the French rule of *robe d'ennemi*, adopted in 1665, does not appear in those of 1666. During the short time for which it was in force the admiralty judges appear to have had some hesitation in condemning food stuffs and friends' goods, and the commissioners for prizes wrote to them remonstrating against their slackness in this respect.⁸⁵ In 1667, however, French goods in a Swedish ship at Falmouth were seized as prize to the king.⁸⁶ On 15 December 1665, in consequence of irregularities committed by privateers, all outstanding letters of marque had been revoked.⁸⁷

At this period the English as well as continental prize courts condemned captures that had never been brought to a port of the captor's country. In 1666⁸⁸ a Dutch prize was taken by her English captor to Gottenburg, and whilst there was condemned in the English admiralty. Notwithstanding this, probably at the instigation of her Dutch owners and to rescue her from the captor, she was arrested by the Swedish authorities. The commissioners for prizes wrote an angry remonstrance to the Swedish ambassador in England. During the third Dutch war one Edward Voorst had a commission from the States General to adjudicate upon prizes taken into Corunna, and in 1676⁸⁹ condemned there the 'Lyon' of Bristol, which had been brought in by a Dutch captor. In 1694⁹⁰ the practice of taking prizes to neutral ports received a check; Sweden objected to the execution in Sweden of a commission to examine witnesses in respect of the 'Hope,' which had been taken to a Swedish port by her English captor. In 1666⁹¹ a Dutch prize was taken by her English captor into Gottenburg, and whilst lying there was condemned in the English admiralty. Meanwhile she had been arrested by the Swedish authorities, presumably at the instance of her Dutch owners, and in order to escape from her captor. The commissioners for prizes in England wrote an angry remonstrance to the Swedish ambassador, with what result does not appear. In 1690 it was proposed to enter into a treaty with some unnamed power that captors of either of the contracting countries should carry their prizes to their own country for adjudication by the tribunals of that country. The king was advised that he could not by treaty deprive his subjects of the right to recover by process of the English courts their own captured ships and goods, whilst lying in an English port.⁹²

⁸⁴ Miscell. 1418, f. 57.

⁸⁵ State Papers D m. Chas. II. cxxi. 76, 25 May 1665; Harl. MSS. 150, f. 65 b.

⁸⁶ State Papers D m. 23 January 1667.

⁸⁷ Admiralty, Secr. In letters 5246, f. 130.

⁸⁸ Harl. MS. 1510, f. 658.

⁸⁹ Libels 117. No. 82.

⁹⁰ Miscell. 1419, ad finem.

⁹¹ Harl. MS. 1510 f. 658.

⁹² Report of Sir Leoline Jenkins; State Papers Dom. 13 September 1695.

Whether the Cinque Ports admiralty exercised prize jurisdiction during the Commonwealth, owing to the absence of its records, does not appear. In 1649⁹³ the jurisdiction appears to have been denied, but in 1673⁹⁴ a prize case was heard on appeal by commissioners appointed by the Warden. It was sought 'o appeal from their decision to the king, but he was advised that no further appeal lay. This is probably the latest instance of a prize case being tried at Dover. Until the union the admiralty of Scotland was altogether independent of the lord high admiral of England. The hereditary lord high admiral of Scotland after James' accession continued to exercise admiralty, including prize, jurisdiction. He condemned a prize in 1630,⁹⁵ and his prize jurisdiction was expressly recognised in 1644.⁹⁶ During the second Dutch war the duke of Richmond and Lennox issued letters of marque,⁹⁷ and captures made under them were taken to Scotland and condemned by the Scottish admiralty court. In 1666⁹⁸ the Scottish admiralty condemned as Danish prize the 'Jacob' of Lerwick,⁹⁹ together with some English-owned goods on board her. The ship and goods were sold to Thompson, an Englishman, after which the goods were arrested by process of the English admiralty at the instance of their original owners. Thompson complained to the council, pointing out that if condemnation by the Scottish court were not to be treated as final, no one would buy under it. The matter was referred to Dr. Jenkins, the judge of the admiralty, and upon his report by order of 1 March 1667 the ship and goods were restored to Thompson, upon his giving security in £3000 to abide by the decision of the lords of session, to whom the matter was to be taken upon appeal.¹⁰⁰

In 1666 a question arose as to the meaning of the grant to the lord admiral contained in his patent of *bona inimicorum* and other emoluments appertaining to his office. By an order-in-council of 6 March 1666¹⁰¹ it was declared that enemy ships forced into ports or roadsteads¹⁰² of England or Ireland by weather or coming in by mistake belonged to the lord admiral; ships driven in by king's ships, or seized in English ports before war was declared, or coming in voluntarily, or deserting from the enemy, belonged to the king; ships captured at sea by non-commissioned captors, to the lord admiral; salvage due for ships recaptured from the enemy, to the

⁹³ State Papers Dom. Interr. 17 December 1649.

⁹⁴ Wynne's *Life of Sir Leoline Jenkins*, ii. 782.

⁹⁵ Miscell. 1422, f. 94.

⁹⁶ Acts 216, 27 June 1644.

⁹⁷ The authority was under the great seal of Scotland; Exam. 76, 31 January 1667.

⁹⁸ State Papers Dom. Chas. II. xciii., 5, 6; miscell. 1159.

⁹⁹ Perhaps Lenwick in Norway.

¹⁰⁰ In 1675 difficulties again arose between the Scottish and English admiralties; State Papers Dom. 4 November 1675.

¹⁰¹ Miscell. 1418, f. 49.

¹⁰² See Admiralty Secr. In letters 5246, f. 262, as to the meaning of these words.

lord admiral; ships forsaken by their crews, unless under pressure by the king's or commissioned ships, to the lord admiral.

By the treaty of Breda of 31 July 1667¹⁰³ peace was made with Holland. There is nothing novel in the lengthy treaty: by Art. 19 England's right to the salute is again expressly recognised; by Art. 17 each party agrees not to supply men, ships, arms or victuals to rebels against the other; and by Art. 28 each agrees to assist the merchantmen of the other when attacked. This article was in 1667¹⁰⁴ the ground of a complaint by the Dutch ambassador that one John Gombell, an Irishman, in a frigate of ten guns called the 'St. Andrew' or 'Have-at-all,' with a pretended commission from the king of Spain against the French, had captured the 'St. James' of Middleburg, laden with pepper and other free goods on board and bound for Morlaix. The ship being in the Downs he prayed for her arrest and restitution, and the lord admiral was directed to put Gombell under arrest accordingly.

The old disputes between the common law judges and the admiralty court as to the limits of its jurisdiction were continued after the Restoration. On 4 March 1668¹⁰⁵ an order in council directed that the lord keeper and the judge of the admiralty should settle the business of appeals and prohibitions in spoil cases according to the proclamations of 19 March 1602 and 30 September 1603, and to report to the council.¹⁰⁶

On 8 February 1668¹⁰⁷ a proclamation issued forbidding fighting by foreign ships in English waters, and hovering of foreign ships of war off English ports so as to alarm traders; the rule as to a foreign man-of-war not sailing from an English port within two tides of an enemy ship lying there was repeated; no English ship was to be allowed to sail upon any but trading or fishing voyages; no foreign man-of-war with a prize was to be allowed to shelter for more than twenty-four hours in an English harbour, or to sell her prize or prize goods in England, and any English-owned goods in the prize were to be arrested and restored to their owners; English subjects were forbidden to buy foreigners' prizes or prize goods, and lastly they were forbidden to serve or to take commissions from foreign princes.¹⁰⁸ In 1671,¹⁰⁹ during the interval between the second and third Dutch wars, an Act was passed to encourage resistance to pirates; it enabled ships attacked to capture and hold the pirate ship as prize. A case of the previous year may have been the occasion of passing

¹⁰³ Dumont, vii. pt. I, p. 44.

¹⁰⁴ Miscell. 1159.

¹⁰⁵ Admiralty Secr. In letters 5246, f. 257.

¹⁰⁶ *Ante*, xxiv. 696.

¹⁰⁷ State Papers Dom. Chas. II., ccxxiv. 112; State Papers Dom. Proclamations iii. 256.

¹⁰⁸ This was repeated in 1674 and again in 1676 and 1684; *ibid.* ff. 326, 349, 350, 488.

¹⁰⁹ 22 & 23 Chas. II. c. 11, s. 10; cf. 13 & 14 Vict. c. 26.

this Act. The 'King David' ¹¹⁰ was captured and recaptured three times by and from Moorish pirates; the gallantry of her crew was rewarded by an order of the council that fifty Moors, who had been overpowered and taken captive on board her, should be sold or exchanged in ransom for English captives in Algiers, of whom those who were shown to have made the best resistance were to be the first to be ransomed. Before the war of 1672 was declared some Dutch ships with friends' goods on board were seized, and Dr. Jenkins was called upon to condemn them, ships and goods, as prize. This he protested against, as being contrary to his commission and also to the law of nations.¹¹¹ In 1690 ¹¹² the 'Jean of Rochelle,' which had been captured before war declared, and released, was ordered by the council to be re-arrested upon the ground that France had condemned English ships in like case.

The third Dutch war, of 1672, produced new rules as to the law to be applied in adjudicating upon captures at sea, and a new set of instructions to privateers. They are dated respectively 22 and 25 May 1672,¹¹³ and in substance differ little from those of 1665 and 11 May 1666. The *robe d'ennemi* rule is again omitted, but all goods in Dutch bottoms were declared to be prizable; there are further provisions as to authenticating claimants and more frequent sittings of the admiralty court, and an additional article requiring privateers to supply to the lord admiral any information they may obtain as to the movements and ships of the enemy. Examples of commissions are contained in the same volume as the instructions,¹¹⁴ also a list of ships to which commissions had been granted. The treaty of peace made with the United Provinces on 1 December 1674 ¹¹⁵ provides for freedom of trade between the two countries when either was at war with a third power, except in contraband. Arts. 4 and 5 enumerate the goods that were to be contraband and those that were to be free. The former consisted of war material of various kinds; amongst the free goods are corn, tobacco, victuals of all sorts, and shipping materials. The treaty with France of 24 February 1677 ¹¹⁶ is very similar; by Art. 8 all French goods in ships of an enemy to England were declared to be prize, and *vice versa*.

Reprisals against Algiers were authorised in 1681, and instructions similar to those of 1672, with some additions, were issued on 14 December 1681.¹¹⁷ They are thirteen in number, and the principal additions are Arts. 4 and 7. The former provides for the

¹¹⁰ *Acts of the Privy Council Colonial*, ii. 546. There are indications that armed traders had surrendered to pirates unnecessarily and without making any resistance.

¹¹¹ *State Papers Dom. Chas. II.* cccvii. 169; 8 May 1672.

¹¹² *Miscell.* 920.

¹¹³ *Miscell.* 1418, ff. 83, 88. The effect of the order in council upon the treaty of Breda as regards neutral ships and goods is explained in a letter of Lauderdale to the Scottish Chancellor of 30 June 1673; *State Papers Scotland*, Warrant Book ii. f. 229.

¹¹⁴ *Miscell.* 1418, ff. 93, 99.

¹¹⁵ *Dumont*, vii. pt. 1, p. 282.

¹¹⁶ *Ibid.* p. 327.

¹¹⁷ *Miscell.* 1418, ff. 110, 111.

handing over to men-of-war of all 'renegados to the Christian faith'; the latter forbids privateers to wear 'our Union flagg and jack.'¹¹⁸ Increased security (£3000) for privateers over 150 tons is required, and permission is given to take prizes to Tangier. In the following year peace was made with Algiers: the treaty¹¹⁹ inaugurates the system of passes, which was in use until the last century, and freedom of trade for English ships; it forbids the setting out of Algerine ships as pirates from the African ports, the sale of pirate goods (but not of English prizes) at Algiers, and the enslavement of English captives. On 30 June 1681 Lord Viscount Mordaunt¹²⁰ was required by the council to give security that the 'Mordaunt,' which he was fitting out for a voyage of which no particulars are given, would not attack friends or allies, interlope on any chartered company, or take a commission from any foreign prince.¹²¹ What was the destination of the 'Mordaunt' does not appear; whatever purpose her owner had in view was not carried out by him in person, as he was in England in 1681 and for some years afterwards. The right of pillage, allowed by the Act of 1661, was recognised and enforced in 1676¹²² by the court of delegates in a case where the pillage consisted of 244 slaves captured in the 'Susanna.' Their value, £4801, was divided amongst the officers and crew of the captor, according to their ratings. A claim by the captors, allowed in the court below, to 300 other slaves, was disallowed by the delegates, probably on the ground that these slaves were in the hold, and therefore not subject to pillage.

The treaty of peace of 24 February 1677¹²³ between England and France provides for freedom of trade between each country with enemies of the other, except in contraband goods, which are enumerated and consist of war material; it is expressly stated that corn, wine, and victuals are to be free; trade between two ports of an enemy of either is prohibited, also trade to a blockaded port; contraband goods are not to 'infect' other goods on board the ship that carries them or the ship herself; goods of either country on board a ship that is enemy to the other are prize; all sentences of condemnation are to be subject to appeal and review by the king's council, and no commissions are to be accepted by the subjects of either country from an enemy of the other.¹²⁴

¹¹⁸ This was forbidden by a proclamation of 1674; State Papers Dom. Proclamations, f. 324.

¹¹⁹ Herstlet, *Treaties*, i. 58. A similar treaty was made in 1686; *ibid.* p. 66.

¹²⁰ Afterwards third earl of Peterborough.

¹²¹ Instance Papers 13.

¹²² Prize Appeals, Sentences, 1; see also *Acts of the Privy Council, Colonial*, ii. 65.

¹²³ A print is in Instance Papers 13.

¹²⁴ A proclamation to this effect had been issued on 27 September 1674; State Papers Dom. Proclamations, f. 326. One Hurst had been imprisoned for taking a commission from the French king; *Miscell.* 953.

In 1683¹²⁵ the commissioners for the admiralty were empowered to grant to commanders recommended by the East India company commissions authorising them to aid the company against the king of Bantam. Sir Thomas Grantham in the 'Charles,' John Nicholson in the 'Beaufort,' William Dyke in the 'Rochester,' and Sir John Trelawny in the 'Royal James' had such commissions. In 1684 and again in 1687¹²⁶ commissions issued to the captains of H.M.S. 'Orange Tree' and some private ships to capture pirates within the limits of the charter of the Royal African Company. On 3 February 1685¹²⁷ commanders of H.M. ships off the coast of England were instructed to seize and take on board 'all passengers whatsoever, whether His Majesty's subjects or foreigners . . . in any vessel bound for the coast of England.' The occasion for this stringent order does not appear. In 1686¹²⁸ the 'David' was condemned to the king for carrying arms to the duke of Argyll, a rebel, and the 'Greyhound' and the 'Returne,' in the service of the duke of Monmouth, were condemned for a like reason.¹²⁹

The instructions for the French war of 1689¹³⁰ differ little from those of previous wars in 1672 and 1666. Art. 1 authorises the capture of French ships and goods 'and such other ships vessels and goods as are or shall be liable to confiscation.' The *robe d'ennemi* rule does not appear, but the articles as to bringing in prizes to England for adjudication, as to torture and cruelty, and the observance of treaties are as before. Some Danish ships captured at the beginning of the war were on 15 August 1589¹³¹ ordered by the council to be restored after discharging any French, English, Hanse, Spanish, or Dutch goods, or the goods of any prince who had prohibited trade or was at war with France. The bonds for the good behaviour of privateers in this war are collected in a volume, which is the first of a long series of similar volumes. The letters of marque conclude with the request that all princes will give the bearer aid, assistance, and succour in their ports for himself and his prizes.¹³² Further instructions for privateers issued on 2 May 1693.¹³³ They are twenty-two in number, more voluminous than hitherto, and contain specific references to the requirements of the treaty with Sweden of 1661 and of a recent convention with Denmark.¹³⁴ They authorise

¹²⁵ *Ibid.* ff. 136-146. Cf. Admiralty Secr. In letters 5139, f. 874; *ibid.* Registers, Various, 404, ff. 10, 11.

¹²⁶ *Ibid.* ff. 147-151.

¹²⁷ Admiralty Secr. Out letters 1047, f. 81.

¹²⁸ Libels 122, No. 165.

¹²⁹ *Ibid.* No. 170; Libels 123, No. 77.

¹³⁰ Letters of marque declarations 1, f. 12. This volume contains (f. 22) examples of letters of marque, and a list of the ships, about 150, commissioned between 12 July 1689 and 8 March 1692. The instructions are also in Admiralty Secr. Out letters 1045, f. 4.

¹³¹ Admiralty Secr. In letters 5140, f. 533.

¹³² Letters of marque declarations 2, f. 23.

¹³³ Letters of marque declarations 2, f. 107. A form of a letter of marque is at f. 114.

¹³⁴ As to passports and certificates of ownership of cargo. The Swedish treaty authorises trade with ports of a belligerent, except when blockaded.

the capture of neutral and other ships trading to or from France or her possessions, also of ships of Hamburg and certain other northern ports named, although they were hostile to France.¹³⁵ The list of contraband specifies the usual war and shipping materials; it originally included 'corn . . . whithersoever it be bound,' but these words were struck out by warrant from the queen dated 14 June 1693.¹³⁶ Danish and Swedish ships, duly documented, were to be free from capture unless trading between two French ports. Two-thirds of privateers' crews were to be landsmen, and they were forbidden to wear the jack or pennants when in company with the queen's ships. In other respects these instructions follow the forms of those of 1672 and 1689. They contain a reference to a statute¹³⁷ of 1692, which is the first of a series of prize Acts afterwards passed on the breaking out of wars. By this Act trade with France was prohibited, as it had been by a previous Act¹³⁸ of the first year of the reign. It contains also provisions as to the distribution of prizes; privateers' prizes were to belong wholly to the captors, but the goods on board were to go, as to four-fifths to the captors and as to one-fifth to the king,¹³⁹ except where none of the goods were French; if any were French, the whole went to the captor (§ 18). Prizes captured by the king's ships or by hired ships were to belong, as to one-third to the widows and children of the slain and the sick and wounded, as to one-third to the officers and crews of the captor, and as to one-third to the king¹⁴⁰; gun money, at £10 per gun, was to be paid to captors who sank or destroyed an enemy ship of war; prizes taken in the Mediterranean were to be taken to Cadiz, Alicante, Messina, or Naples, and there delivered to agents appointed by the prize commissioners, who after adjudication in England either restored or sold them, transmitting the proceeds to England.¹⁴¹ Prizes taken to America or the West Indies were to be adjudicated upon there; in the East Indies they were to be taken to an English factory. Salvage was to be paid on recapture at rates varying from one-third to one-eighth, according to the time they had been in the enemy's possession.¹⁴²

¹³⁵ Sir Charles Hedges had been called upon to condemn some of these ships under the earlier instructions of 1689. He doubted whether he had the power, and whether if he had the power the law of nations would 'bear him out.' State Papers Dom. Naval 1, 22 October 1689.

¹³⁶ *Ibid.* f. 110.

¹³⁷ 4 and 5 Will. and Mary, c. 25. This is the first Act in which the word 'privateer' occurs.

¹³⁸ 1 Will. and Mary, c. 34.

¹³⁹ Sentences, prize 20, Nos. 13, 176.

¹⁴⁰ A proclamation of 23 May 1689 had given pillage on and above the gun deck to the captors; State Papers Dom. Petition entry Book I, 88.

¹⁴¹ Admiralty Secr. In letters 5140, f. 860, 1061.

¹⁴² About 1693 H.M.S. 'Talbot' was recaptured. The king was advised that she must be repurchased from her captors; Treas. Papers, xxiii. No. 26.

The salute to the English flag was still a burning question. Although the Dutch had on paper acknowledged the claim since 1654, other nations yielded only to force. In 1674 a Frenchman was brought in, tried at admiralty sessions, and fined £500 for not striking; in 1677¹⁴³ three Ostenders were fined £50, £150, and £400 respectively. In all these cases shotted guns were fired, but there appears to have been no bloodshed. In 1694¹⁴⁴ a Dane, when ordered by Clowdesly Shovell in the 'Stirling Castle' to lower his flag, fired into the latter and killed some of her men. Shovell returned her fire and compelled her to strike; he justifies his action in a letter to the duke of Shrewsbury, claiming that 'Her Majesty would highly resent soe presumptuous a violation of their Majesties royal prerogative and sovereignty of the seas.'

After the Restoration appeals from the admiralty were heard by three or four members of the privy council, and not, as in earlier times, by commissioners specially appointed for each case. In 1690¹⁴⁵ the precedent of 1628¹⁴⁶ was followed, and by an order of 11 August all the members of the council were appointed commissioners to hear prize appeals. Two rolls¹⁴⁷ of appeal prize sentences for 1675-6 and 1689-92 are extant.

The prize Act of 1692 refers to prize courts in the colonies. The need for these was recognised immediately after the Restoration, and even earlier it had become apparent that the navigation Act of 1651 could not be worked in the absence of a prize jurisdiction abroad. The supplementary patent to the duke of York of 1662 conferring upon him admiralty jurisdiction in English possessions abroad is the first indication of an intention to erect vice-admiralty courts elsewhere than in England; soon afterwards the possession of Tangier seems to have suggested the erection of a court there for the purpose of dealing with prizes captured in the Mediterranean. No record, however, has been found of prizes having been adjudicated upon there. Jamaica is probably the first plantation in which prize jurisdiction was exercised by a properly constituted vice-admiralty court.¹⁴⁸ A solitary instance of condemnation of a ship by a colonial court for breach of this Act as early as 1653 has been mentioned.¹⁴⁹ In 1658 Captain Mings took some Dutch ships seized for trading with Barbadoes to Jamaica, where they were lying in 1661 uncondemned, since the governor, Colonel Doyley, was of opinion that he

¹⁴³ State Papers Dom. Chas. II. cccclxvii. 166. The fines were remitted.

¹⁴⁴ State Papers Dom. Naval 4, 2 September 1694; another case is *ibid.* 10 August 1695.

¹⁴⁵ State Papers Dom. Warrant Book, xxxv. 346.

¹⁴⁶ See *ante*, xxv. 257.

¹⁴⁷ Prize appeal sentences 1 and 2. A few others of earlier date are among delegates' sentences.

¹⁴⁸ The provisions made for condemnation of prizes at Providence Island in 1636, at Dunkirk and elsewhere during the civil war, and in New England after the passing of the Navigation Act, 1651, have been noticed. They were temporary expedients.

¹⁴⁹ The 'Spirito Sancto,' *supra*, p. 39.

had no power to erect an admiralty court in the island;¹⁵⁰ and it does not appear that they were ever brought to adjudication. Doyley's hesitation to exercise admiralty jurisdiction does not seem to have been justified, for on going out as governor in 1661 he was instructed to 'settle such judicatories for civill affaires and for the Admiralty as may be proper.'¹⁵¹ Lord Windsor, who succeeded Doyley, received similar instructions¹⁵²; he was also empowered to grant commissions to private men-of-war and to force the Spaniards to trade.¹⁵³ By a proclamation issued in Jamaica on 21 September 1662¹⁵⁴ it was recited that he was directed 'to use all wayes and meanes to procure a free trade and commerce' with Spanish America and the islands, and that having appealed in vain to the Spanish governors to allow a trade, he was 'unwillingly constrained to reduce them to a better understanding by the open and just practices of force.' With this view he commissioned Captain Christopher Mings in the king's ship 'Griffith' and a number of private men-of-war to capture or destroy Spanish ships and ships trading to Spanish possessions in those seas, and to attack their castles, ports, and towns. Sir Charles Lyttelton, who succeeded Windsor, on 8 January 1663 gave Mings a similar commission 'to procure and settle a trade by force.' The result of Mings' operations appears in the proceedings of an admiralty court held in Jamaica in 1662-4. Several Spanish ships seized in Cuban and American harbours by Mings and a number of commissioned merchant ships were brought to Cagway harbour (Port Royal) and condemned as prize. The volume which records these proceedings is probably the earliest record of a colonial vice-admiralty prize court. Sir Thomas Muddiford's commission as governor of Jamaica in 1664 constitutes him

Admirall in all the seas and coasts about the said island, with power to erect one or more courts of Admiralty for the hearing and determining of all marine causes and matters, and with all other powers to the place and office of Vice Admirall belonging, to be exercised according to such commission directions and instructions as you shall receive from our dearest brother the Duke of York our High Admiral of England.

Accompanying instructions direct him to erect one or more courts of admiralty 'according to the power sent and given you by our dearest brother the duke of York our High Admiral of England and of those our dominions,' referring to the recent patent conferring the admiralty of the plantations upon the duke. Subsequent governors received similar powers as to admiralty jurisdiction, and the admiralty court of the island seems to have exercised prize jurisdiction continuously from Doyley's time. In 1666¹⁵⁵ a sum of £50,000 was transmitted

¹⁵⁰ Instance Papers 7.

¹⁵² Colon. Papers, xvi. No. 35.

¹⁵³ This is not amongst the formal instructions, and was perhaps secret.

¹⁵⁴ Miscell. 959.

¹⁵¹ Colon. Papers, xv. No. 11.

¹⁵⁵ State Papers Dom. Chas. II. clv. 57.

to England as the king's and lord admiral's shares of prizes condemned there; this indicates that the business of the court was already considerable. Questions as to the respective powers of the Crown, the lord high admiral, the admiralty commissioners, and the board of trade with regard to conferring admiralty jurisdiction upon governors of plantations occupied lawyers and politicians in England, and sometimes caused difficulties in the colonies¹⁵⁶; and the powers which were by some of the governors' commissions¹⁵⁷ given to them over the king's ships caused friction with naval officers. Some governors received a commission as vice-admiral from the crown,¹⁵⁸ others from the duke of York.¹⁵⁹ In 1688¹⁶⁰ the Massachusetts Bay Company were charged with high demeanour because they had 'invaded the rights of the duke of York, the lord high admiral, by erecting an admiralty court of their own.' In the new charter of 1691¹⁶¹ admiralty jurisdiction was reserved to the Crown. In Maryland Lord Baltimore was admiral.¹⁶² Before the end of the century Sir Leoline Jenkins was directed to make the vice-admiralty powers granted to governors devolve at the death of a governor upon his successor.¹⁶³

Ships of the East India Company during war time carried commissions to capture enemy ships and goods, and being also employed against eastern princes with whom the company was at war made captures in which the king, as well as the company, was interested. In or shortly before 1690 a prize captured from the Great Mogul worth £100,000 was condemned by an informal admiralty court sitting on board the 'Beaufort' in the Hooghly.¹⁶⁴ Proceedings were taken in the admiralty court at home by the king against the company for his unpaid admiral's tenths.¹⁶⁵ This and probably other cases called attention to the want of an admiralty court in the East, and in 1697¹⁶⁶ Sir Charles Hedges was directed to report as to the erection of a court in India. An example of the commissions carried by the company's ships is that granted to Captain Page Keble of the 'Tonqueen Merchant,' dated 30 April 1694. It has the great seal annexed and is under the king's hand; it directs that French prizes taken on the outward voyage or in the East shall be adjudicated upon by an admiralty court in India, and those taken upon the homeward voyage in England.¹⁶⁷

¹⁵⁶ The governors were appointed by patent from the Crown and received their instructions from the committee of the council for plantations; these were not always recognised by the admiralty.

¹⁵⁷ E.g. Sir Thomas Lynch's commission, Colonial Office 389/8, ff. 53-63.

¹⁵⁸ Sir Jonathan Atkins (Barbados), Colonial Office L. 30, Nos. 92-4.

¹⁵⁹ Lord Willoughby, Colonial Office I. 29, ff. 31, 88, 101.

¹⁶⁰ Colonial Office 5/904, f. 177.

¹⁶¹ Pat. 3 Will. and Mary, pt. 7, m. 3.

¹⁶² Colon. Papers, xx. 12.

¹⁶³ Admiralty Secr. Out letters 1047, f. 53.

¹⁶⁴ Instance Papers 15.

¹⁶⁵ Exam. 80, 24 November 1690; Acts 58, f. 411.

¹⁶⁶ Admiralty Secr. Out letters 1047, f. 81.

¹⁶⁷ Miscell. 951.

It has frequently been observed that a naval war is followed by an outburst of piracy, and the Dutch and French wars of the second half of the seventeenth century are no exception to the rule. During that period the West Indies and the American coasts swarmed with pirates, and one of the heaviest tasks which the new governors had to face was that of repressing them. A difficulty at once arose in bringing them to trial.¹⁶⁸ It was found that the Act of Henry VIII¹⁶⁹ did not apply to the colonies, that a vice-admiral's powers did not reach capital offences, and that piracy could not be tried in the colonies. Consequently in 1698¹⁷⁰ an Imperial Act was passed enabling admirals, vice-admirals, and commanders of king's ships to try such charges abroad; and many of the colonial legislatures¹⁷¹ forthwith passed Acts for 'restraining and punishing privateers and pirates.' The conjunction of the terms is significant. The free-booter or rover of Elizabethan times had become a privateer, and a privateer often sailing under a commission from a foreign prince contrary to his sovereign's proclamation and unrecognised by the law. Technically however he was not a pirate; he could not be convicted of the capital offence; at the most he could only be fined and imprisoned.¹⁷² It was therefore of little use that in 1686 the governor of New England was instructed to punish as a pirate anyone taking a foreign commission or capturing ships without a commission,¹⁷³ as required by a recent treaty with France.¹⁷⁴ Many of the so-called privateers were in fact pirates. 'We are much infested by pirats, who under the name of privateers' capture merchant ships and even attack the king's ships, wrote Sir Henry Morgan in 1681.¹⁷⁵ Efforts were made, without much success, to entice them by offers of pardon into the king's service. Some appear to have come in under the offer of pardon, for when it was proposed to utilise them by withdrawing the proclamations against serving foreign princes it was objected that if that were done 'the privateers would be terrified from coming in.'¹⁷⁶ They had already become a nuisance to trade and a scandal to the country, but it was not until 1698 that the Act just mentioned was passed to abate the evil and enable pirates to be tried and executed abroad.

R. G. MARSDEN.

¹⁶⁸ *Acts of the Privy Council, Colonial*, 1684, pp. 570, 763, 764.

¹⁶⁹ 28 Hen. VIII. c. 15; *Colonial Office*, 391/2, p. 154.

¹⁷⁰ 11 Will. III. c. 7.

¹⁷¹ Antigua, New York, Virginia, Massachusetts, and Jamaica; *Cal. of State Papers Colonial*, 31 March 1698; *ibid.* 18 April, 22 May, 1 June 1699.

¹⁷² See *Colonial Office*, 138/4, f. 234; *Colonial Office*, 391/2, f. 155, opinions of the law officers (1677).

¹⁷³ Governors had power to grant commissions; *State Papers Colon.* 2 July 1670.

¹⁷⁴ *Colonial Office*, 5/904, f. 340.

¹⁷⁵ *Colonial Office*, 138/4, ff. 42, 44.

¹⁷⁶ *Colonial Office*, 391/2, f. 154.

Bishop Seabury

SAMUEL SEABURY was born at Ledyard, Groton, Connecticut, on 30 November 1729, the son of a Congregationalist minister of the same name. On 14 December he was 'baptised in dissent.'¹ His mother however came of an Anglican stock, and her influence probably helped in the subsequent drift of both father and son into warm allegiance to the church of England. On 21 August 1730 the elder Seabury was appointed missionary to New London, Connecticut, by the Society for the Propagation of the Gospel, and in 1742 the son started his career in the humble position of catechist at Huntingdon, near Hempstead, Long Island, with a yearly stipend of 10*l*. Samuel Seabury the elder died in 1764. The son studied medicine at Yale in 1744, graduated B.A. there in 1748, and in 1751 sailed to England in order to be well equipped for the arduous work that attended the religious efforts of Anglicanism in America during the old colonial period. In August 1752 he attended medical lectures at Edinburgh, then the invariable school for all colonial students of physic,² and on 21 and 23 December 1753 he was successively ordained deacon and priest. He was missioner at Christ's Church, New Brunswick, New Jersey, from May 1754 to December 1756, and rector of Jamaica, Long Island, from January 1757 to March 1767, when he became rector of St. Peter's, Westchester, New York, with which place his name will ever be associated.

Seabury undertook the tasks that accompanied his rise in the church with a cheerful combativeness. Sensitive to the pomp and circumstance of English ecclesiasticism, he chafed against the humility of Anglican aspirations in America. His congregation at Westchester only averaged two hundred persons; at Jamaica there were but twenty communicants. Quakers and Independents surrounded him; his parish was invaded by what he termed a 'daily succession of strolling preachers and exhorters,'³ by wandering droves of religious zealots, 'who misrepresented the church as popish.'⁴

¹ *Church Quarterly Review*, xix. (1885) 426.

² Brissot de Warville's *Travels* (1794), p. 301.

³ Beardsley's *Seabury* (1881), p. 16.

⁴ Hawkins, *Missions of the Church of England* (1845), p. 299.

The Society, which from 1701 unselfishly financed the work of the clergy throughout New England, New York, Pennsylvania, and New Jersey,⁵ had to combat intense jealousy and distrust. The suggestions made in 1748 and 1767-9 of establishing the Anglican church in America only served to embitter its unpopularity among the Presbyterian and Congregationalist elements in society, which largely moulded public opinion by means of their control of the local press, and their influence at Yale and at the bar. Seabury's letters to the Society for the Propagation of the Gospel are eloquent of his resentment, and of his longing to give his church its due place in the new world by the extension of its existing episcopal system, in which he already recognised its only hope of survival. On 17 April 1766 he wrote that 'the poor church of England is the only instance that ever happened of an episcopal church without a bishop, and in which no orders could be obtained without crossing an ocean of 3000 miles in extent.'⁶ Animated by such ideas, Seabury busied himself during the years immediately preceding the revolution in inspiring his flock with what he deemed sound principles, and in cultivating a small plot near his rectory to supplement his pay of 50*l.* a year. He was a massive, muscular man of middle height, with a strong sonorous voice and an infinite capacity for taking pains, of much good sense and good temper, capable of great tenacity, very distrustful of the rising tide of radical propaganda.

The first Continental Congress sat from 5 September to 26 October 1774, and its chief work was to frame a form of passive resistance to British claims, calculated to strike England in what was then her only sensitive place, her pocket. On 20 October it published a definite policy of non-importation and non-consumption of any British goods, or of tea, wine, indigo, and other articles usually imported by way of England or in English bottoms, as from 1 December 1774, and also, unless colonial wrongs were redressed in the meantime, of non-exportation of any of the chief American products, except rice, as from 10 September 1775. The spirit of the congress ran violently against the mother country, and aroused throughout America the enthusiasm of all such classes as stood to gain by withstanding British claims or by terminating the British connexion. The non-importation declarations drew the empire to the verge of war, for English imports in the colonies amounted in yearly value to nearly 3,000,000*l.*,⁷ and English shipping interests were no less gravely affected. Jay, R. H. Lee, and Dickenson, who were mainly responsible for drafting the resolutions, thought that England might thereby be driven to her knees in view of the embarrassing attitude of the whig opposition in parliament. This was the crisis that called forth the publication of the tracts by a Westchester farmer,

⁵ Caswall's *American Church* (1839), pp. 166 *et seq.*

⁶ *Ibid.* p. 300.

⁷ Adams' *Works* (ed. 1850), ii. 383.

upon which rests Seabury's place in secular history. He was their author, and in his clear-cut and vigorous polemics, united empire loyalty found its most forcible, perhaps its greatest, literary expression.

Free Thoughts on the Proceedings of the Continental Congress held at Philadelphia are dated 5 September 1774, and were published on the following 16 November. This tract purported to lay open 'the fatal tendencies' of the acts of the congress to the plainest understandings; it is written in the form of a letter to 'the farmers and other inhabitants of North America' by a farmer from a farmer's point of view, and its homely appeals were intended to defeat the academic and rhetorical methods which characterised the dialectics of the opposite school of thought. Seabury asked a people of agriculturists what non-importation would really involve. It would deprive them of cloths from England and of tea from the East Indies, of coffee and molasses from the West Indies, and of wine from Madeira.⁸ New York merchants who happened to hold large stocks would no doubt benefit, but the consumer would suffer, and the poor become poorer. Farmers could ill afford to dispense with English goods; there was not enough wool manufactured in America to keep them in stockings alone.⁹ The whole scheme of non-importation was a device of New England speculators to ruin poor country folk, to prevent them from having 'a dish of tea to please our wives, or a glass of Madeira to cheer our spirits, or even a spoonful of molasses to sweeten our buttermilk.'¹⁰ Moreover, the war which such a policy foreshadowed would only injure the ordinary honest man. While non-exportation meant already the loss of his markets over sea, and the forced unemployment of every sailor and sail-maker, ship carpenter and carman in America, war would effect the additional wrong of placing him at the mercy of hare-brained republicans, bent only on escaping from their debts, plundering the thrifty, and tarring and feathering the loyal. 'O rare American freedom.' The writer at least would prefer 'the strong, uniform, unbiassed influence of the courts of justice' to all the congresses and committees in the world.¹¹ The whole pamphlet is finely written and politically acute, for while full of arguments that appealed urgently to the self-interest of rural North America, of little points to catch support from even Germans and Dutchmen and Baptists, it also struck the true notes of imperial idealism. 'Good God! Can we look forward to the ruin, destruction, and desolation of the whole British empire without one relenting thought?'¹² Even assuming that George III had been harsh, America was not justified in breaking

⁸ *Free Thoughts* (ed. 1775), p. 3.

⁹ *Ibid.* p. 15.

¹¹ *Ibid.* p. 31.

¹⁰ *Ibid.* p. 41.

¹² *Ibid.* p. 6.

up the unity of the island race, in depriving her sons of the countless material and moral benefits that flowed from common membership in the same historic state. England herself could find other sources of supply in respect of flax and seeds and timber, but the colonies would be irretrievably ruined by the subversive measures of self-seeking and malicious adventurers ; ' a plague on them all.'

A few days later, on 28 November, appeared another tract from the same pen, dated 1 September 1774. *Congress Canvassed, or an Examination into the Conduct of the Delegates at the Grand Convention*, represented the other side of Seabury's case. It is addressed by ' a plain countryman ' not to farmers, but to the merchants of New York. Here again we have a dexterous blend of political craft and high idealism. Although the congress had been attended by delegates from every province except Georgia, it was very far from being the assembly of a united people. Seabury played upon the ' state right ' feeling, which was believed to be the strongest of all political forces in North America until the War of Independence. In order to gratify the spite of Bostonians, economic and social ostracism was, he argued, to be the lot of anyone who thought fit to drink a dish of tea, or use an English pin, or eat an Irish potato.¹³ ' In God's name, are not the people of Boston able to relieve their own poor ? ' ¹⁴ Claiming to call a fig a fig, an egg an egg,¹⁵ Seabury pointed out how idle it was to gild ' the pill of sedition ' with professions of loyalty, and boldly stripped the rising sun of republicanism of the haze of allegiance which it professed. War was bound to ensue from its propaganda, and to bring in its train ' a horrid scene ' of bloodshed and chaos in any event. If England won, ' confiscations and executions must close the horrid tragedy.' ¹⁶ It is easy to realise how formidable the pleas of this tract appeared to partisans of the other side, and an edition of December 1774 contained an irritating postscript in which Seabury wrote of his first literary assailant, ' If the author of the *Vindication* has any teeth left, here is another file at his service.'

The author of the *Vindication* was no less a person than Alexander Hamilton, then a youth of seventeen, who published on 15 December 1774, under the name of ' a sincere friend to America,' a *Full Vindication of the Measures of Congress from the Calumnies of their Enemies in answer to a Letter under the signature of a Westchester Farmer*. The tract is full of glowing rhetoric. Every act of the British government is denounced with whole-hearted zest, and non-importation and non-exportation were described as the sole alternatives to slavery.¹⁷ The Westchester farmer was ' not in reality a farmer but a sophist ' ; ¹⁸ his calculated appeals to personal

¹³ *Congress Canvassed*, p. 15.

¹⁵ *Ibid.* p. 3.

¹⁷ *Hamilton's Works* (ed. 1885), i. 11.

¹⁴ *Ibid.* p. 17.

¹⁶ *Ibid.* p. 26.

¹⁸ *Ibid.* i. 32.

self-interest were in Hamilton's view infinitely mean in the light of the issues really at stake. His narrow conception of constitutional law and his intense devotion to mere expediency were alike repellent. 'The sacred rights of mankind,' wrote Hamilton in phrases eminently characteristic of his school, 'are not to be rummaged from among old parchments or musty records. They are written, as with a sunbeam, in the whole volume of human nature by the hand of the divinity itself, and can never be erased or obscured by mortal power.'¹⁹

On 24 December 1774 Seabury published a brilliant and incisive reply to the *Vindication in A View of the Controversy between Great Britain and her Colonies, including a Mode of determining their present Disputes*. On the title-page figure Milton's suggestive lines:

How thou hast instill'd
Thy malice into thousands once upright
And faithful; now prov'd false.

Once again his arguments are put in the mouth of the plain Westchester farmer, who can only use 'a hiccory cudgel' against the poisoned rapiers of the seditious.²⁰ Once again the material disadvantages of their economic proposals are brought home with triumphant acumen. Without English goods, Americans would 'starve with cold'; the American sailor or shipwright, turned adrift by the enforced cessation of shipping, could not suddenly turn to spinning or weaving.²¹ The home country would suffer far less, because she could go to other markets. In law the case for resistance was no less unsound; the colonial charters were examined, and the complete sovereignty of parliament was demonstrated. The best part of the pamphlet is however its championship of a united empire. To consolidate all British dominions into 'one grand firm, and compact body' was a nobler aim than segregation 'into a number of petty insignificant states.'²² The writer was not only colonial but British.

My ancestors were among the first Englishmen who settled in America. I have no interest but in America. I have not a relation out of it that I know of. Yet let me die! But I had rather be reduced to the last shilling than that the imperial dignity of Great Britain should sink or be controlled by any people or power on earth.²³

In the regulation of trade, which the congress of September 1774 had hesitated to declare illegal, but which was thought intolerable

¹⁹ Hamilton's *Works* i. 108.

²⁰ *View of the Controversy*, p. 4.

²¹ *Ibid.* p. 25.

²² *Ibid.* pp. 10, 20-1.

²³ *Ibid.* p. 23.

by many Americans, he recognised one of the necessities of empire, and his theory as to tariffs is scientific :

‘ Good policy will require that the heavier duties be laid upon articles of luxury, especially foreign ones, and that as little as possible be laid upon the raw materials for manufactures, and upon our own exports.’²⁴

Regulations of this type were good not only for England but also for the colonies, and should be preserved even if the latter were to be granted the larger measure of self-government which Seabury recommended, subject always to the sovereignty of the British crown. Against the classical allusions and oratorical warmth of his opponents, he set the keen logic of the man of affairs.

Seabury's authorship of an unsigned *Alarm to the Legislature of the Province of New York*, published on 17 January 1775, is asserted by Tyler, and is hardly open to question. It is an appeal to moderate men to realise how they were being drawn into the fires of revolution by incendiaries from New England and Virginia, with whom no reasonable reformer had a single sentiment in common. The interests of the several provinces were being sacrificed by ‘ the brain-sick committee men ’ of the central congress, and the poor farmer was to be deprived of the necessities of civilised life in order to further the political pretensions of factious men from New England and Virginia.²⁵ Such was Seabury's last endeavour to save the empire by appealing to colonial particularism. On 20 April 1775 a further tract, called *The Republican dissected, or the Anatomy of an American Whig*, was advertised as a forthcoming publication in Rivington's *New York Gazetteer*, but it never appeared. ‘ The embattled farmer ’ had made his final reply to the farmer of Westchester at Lexington on the previous day.

Due justice has been done to Seabury as a man of letters in Tyler's *Literary History of the American Revolution*,²⁶ but the full test of political pamphleteering involves other issues than the merits or demerits of style. Viewed as expositions of political philosophy, his tracts reach a high level as expressions of constructive conservatism. They state the case for the preservation of rational order and rational liberty with persuasive moderation and directness, unspoil't by the casuistry of the passive-obedience tenets of an earlier age. They are wholly free from turgid and illogical declamation, then so common in controversy. They also struck more responsive echoes in America than any other loyalist writings of the day, and

²⁴ *View of the Controversy* p. 15.

²⁵ *An Alarm to the Legislature*, pp. 81-7.

²⁶ i. 330 seq. (1897).

upon them the most effective tory pamphlets were admittedly modelled. Seabury's defence of England's Canadian policy against the misrepresentations of the congress was developed in arguments that showed how wrong was the whig contention that Britain had caused protestantism in Canada 'to skulk in corners,'²⁷ and how great were the material advantages that flowed from the connexion with Britain, by which 'the world is our market.'²⁸ Seabury's work is more distinctive in its emphatic denunciation of the federal principle which was used by the provincial congress to coerce every province in North America into enthusiasm for a common cause. Seabury championed the rights of the individual unit. There is a very striking contrast between his concrete line of argument and the grandiloquence of the 'patriot' writers with their continual references to the law of nature and the history of liberty. Neither this volume of support nor the volume of execration that greeted his tracts from the opposite party is required to attest Seabury's great qualities as a literary disputant. His fame does not merely rest on his homely English, which is quite as clear and masculine as that of Cobbett. It should live rather by reason of the belief in ordered freedom which underlies all his writings. This practical adherence to peace, and this sober acceptance of established institutions are not imaginative. English political theory in the eighteenth century never was. Yet upon its stable qualities and utilitarian inferences British greatness as a world power was built, and no defence of the empire could be more typical of the national character than Seabury's terse and solid reasoning.

Nevertheless the cast of thought liable to be most impressed by work like that of the Westchester farmer is not that which makes history at periods of great popular emotion. In America the pulpit, the press, and the bar were deeply interested in fanning the rising flame of revolutionary sentiment, and they found ready listeners in the numerous classes in the colonies to whom British patriotism was little more than a phrase. Their social life was marked by few of the conservative habits that governed eighteenth-century England. Landowners were largely whig in sentiment; Anglicanism was weak; Congregationalism, with its traditions of the English intolerance of another epoch, was strong, pugnacious, and well organised. The Irishman of the backwoods had his legacy of ancient wrong; the trader had genuine economic grievances which he longed to redress. To minds thus absorbed in hopes for the future and devoid of respect for the past, Seabury's concrete logic made far less appeal than the full-blooded propaganda of the revolutionaries, who would extend to their political opponents no

²⁷ *Friendly Address* (1774), p. 19.

²⁸ *The Address of the People of Great Britain &c.* (1775), p. 9.

treatment less severe than 'the rigid fate of the jail and the gibbet.'²⁹ The vision of complete independence was no doubt slow in dawning upon men like Otis and Dickenson, but it was the inspiration of a large number of American patriots long before 1775. Although the southern provinces might derive transient advantages as planters and agriculturists from their connexion with England, they were at one with New England in believing that separation from Britain held out to the rising generation hopes of much more important responsibilities and of infinitely more dazzling careers than were otherwise possible.

No more fertile ground for demagogic propaganda could be imagined than the American colonies of that time. While Englishmen at home were in the main crassly ignorant, the colonists were most aptly described by Jonathan Boucher as a nation 'of orators and smatterers'³⁰; they had enough knowledge to be restlessly ambitious, but not enough historic sense to discern blessings in British citizenship. Self-government made them intensely confident; their system of education made them very sensitive to the influence of rhetoric. Even to-day Paine's tracts and Jefferson's speeches cannot be read without a throb. In America in 1775 they were irresistible. 'The Almighty will finally separate America from Britain. Call it independence or what you will; if it is the cause of God and humanity, it will go on.'³¹ Enthusiasm of this type is stronger than quiet argument. Seabury's view of the material benefits to be derived from retaining British sovereignty would never warm a people's heart as *Common Sense* did, with all its exaggerated abuse of George III and its crude appeal to the masses. Caught up rapturously by partisan ministers, turned effectively into academic subtleties by the resourceful lawyers who filled no less than half the seats in the Continental Congress of 1774,³² its sentiments gained hold of young America. Toryism was still the creed of the majority of the community, particularly of the upper classes in New York and the adjacent provinces, and it claimed support from the bulk of the graduates of Harvard; but it was incurably sedate. The loyalists saw from the first that they stood to lose far more than their opponents by espousing a failing cause. They hesitated to organise themselves; they did not place before themselves any distinct objective, nor were they given any clear lead by the English ministry. The race however is to the swift; their opponents knew exactly what they sought, and never swerved from it.

²⁹ Paine's *Writings* (ed. 1894), i. 217.

³⁰ *Notes and Queries*, 5th Series, vi. 81.

³¹ Paine's *Writings*, i. 66.

³² Ramsay's *History of the Revolution* (1793), i. 134; cf. Burke's *Works* (ed. 1897), i. 182-3.

Want of the faculty of co-operation was thus the first cause for the downfall of American torism. Idealism runs through many passages in Seabury's tracts, though perhaps it is less evident than in the works of Galloway and Pownall. Good sense and excellent reasoning mark almost every page. The vital spark that arouses a nation to combine for battle is the one precious element which is wanting. Seabury wrote far more convincingly than many of the 'patriot' pamphleteers who fill niches in the temple of American greatness; his accents ring more truly than their medley of historical allusions to Epaminondas and Pelopidas and the like, their jumble of unscientific jurisprudence, their preposterous libels on the British army. He could not however pen so alluring a picture of his cause as that which Otis and Paine painted of theirs. He had no beloved symbol like Paine's Liberty Tree to inspire his call to arms and to idealise his party :

Beneath this fair tree, like the patriarchs of old,
Their bread in contentment they ate,
Unvexed with the troubles of silver or gold,
The cares of the grand and the great.
With timber and tar they Old England supplied,
And supported her power on sea;
Her battles they fought without getting a groat,
For the honour of Liberty Tree.³³

Seabury did not claim the authorship of his pamphlets until 1783, but they were generally attributed to his pen, and he was not the man to hide his politics. In April 1775 his name figured third in a list of loyalist freeholders and inhabitants assembled at White Plains to testify 'at the hazard of our lives and properties honest abhorrence of all unlawful congresses and committees,'³⁴ and his openly expressed adherence to the crown soon involved him in the trials that fell upon all colonial tories. About forty Connecticut rebels gathered round Isaac Sears, an ex-privateersman who had risen to notoriety during the Golden Hill riots of 1770,³⁵ and, calling themselves the Connecticut Light Horse, they raided Seabury's house on 22 November 1775. He himself was carried off to jail at Newhaven; his daughters were abused and ill-treated. He was then charged with having written pamphlets and newspapers against the liberties of America, but his identity with the Westchester farmer could not as yet be established, and he was released on 20 December. His position however remained precarious. His parish was invaded, his church pillaged by hostile bands, and he was again arrested as being 'notoriously disaffected to the

³³ Paine's *Writings*, iv. 484.

³⁴ Sabine's *Loyalists of the American Revolution* (1864), ii. 270.

³⁵ Dawson's *Sons of Liberty in New York* (1859), p. 113.

American cause.' ³⁶ Sears was described by Washington himself as 'a creature of much spirit and public virtue,' ³⁷ and as such he had marked Seabury out as the real leader of tory opinion in the district. Eventually, after the victory of Long Island, Seabury escaped to the British lines, and thenceforward identified himself with the most fervent loyalist group at New York. In the eyes of the English government he was regarded as 'the author of the letters signed A. W. Farmer, a worthy character as a man and a scholar, but a little affected by the prevailing inflammation.' ³⁸

'Inflammation' apparently meant zeal, for Seabury's life was never busier or more varied than during the revolution. His chaplaincy to the Provincial Hospital at New York led to much activity in preaching to the king's troops, one of his sermons being of sufficient merit to be published at the special request of Governor Tryon. 'Fear God and honour the king' was its appropriate text.³⁹ On 15 December 1777 Oxford University granted him the degree of D.D. by diploma, in which he was still styled rector of Westchester. On 14 February 1778 he became chaplain to the Associated Refugees or King's American Regiment, a corps of 460 men established in 1777 under the command of Colonel Edmund Fanning of North Carolina.⁴⁰ Meanwhile he had supplied the headquarters staff with maps and plans,⁴¹ and had revived the medical pursuits of his youth as physician to the almshouse at New York. His name appears on a number of medical certificates set out in the American papers published by the Historical Manuscripts Commission,⁴² and on a still larger number of certificates testifying to the loyalty of refugees applying for relief.⁴³ He was himself a signatory of a manifesto dated 18 December 1782, in which the leading American loyalists appealed to Carleton for protection in view of the impending surrender to the rebels.⁴⁴ It is to the credit of the British government that, in spite of its new-born distaste for imperial responsibilities, it ultimately gave fairly adequate financial support, amounting to over three million pounds, to the many thousands of its subjects across the sea who were then forced to pay the penalty of ruin and banishment for their devotion to the home country. The settlement of 60,000 United Empire loyalists in British North America is one of the few redeeming features in the story of that bitter time. Their patriotism did much to keep the imperial ideal alive during the long *laissez faire* reaction in our colonial policy.

The peace placed Seabury in a position of the utmost difficulty.

³⁶ Sabine, ii. 270.

³⁷ Sparks' *Writings of Washington* (1847), iii. 295.

³⁸ Stevens' *Manuscripts in European Archives* (1895), xxiv. 3.

³⁹ Sabine, ii. 271.

⁴⁰ *Ibid.* i. 415-6.

⁴¹ Hawkins' *Missions of the Church of England*, p. 305.

⁴² *American Manuscripts* (Hist. MSS. Comm.), ii. (1906), 280.

⁴³ *Ibid.* ii. 41, 352-3; iii. (1907), 269.

⁴⁴ *Ibid.* iii. 268.

He had to choose between exile and republicanism, the lot of the refugee in a strange land and that of the suspect in his own. Without any hesitation he decided to take the latter course, in spite of the obvious disinclination of the several states to accept the recommendation by congress of an amnesty towards the loyalists. Ignoring his own personal risk, he was at once absorbed in an endeavour to preserve his church's existence amid the tumult of the successful revolution. The church was then on the verge of extinction in America. In the northern colonies the clergy had been mainly missionaries of the Society for the Propagation of the Gospel; they had been almost wholly on the loyalist side, and by 1783 were practically all refugees. In the south their greater dependence on the goodwill of their congregations, and the avowed Anglicanism of the 'patriot' leaders, had led to less unanimity among them, but there too a large proportion refused to 'bow the knee to Baal,'⁴⁵ and met with the common fate of the weaker party in times of stress. Not more than a hundred clergy were prepared to remain in the new republic; the Virginian church establishment had been suppressed in 1779; only one parson was left in Pennsylvania. No public episcopalian worship had been celebrated in Connecticut since 1776, but on 25 March 1783 ten⁴⁶ out of the fourteen remaining clergymen of that state met at Woodbury, and under Seabury's guidance they decided upon a policy which was destined to give him a high place in American annals, and to make a deep impress on ecclesiastical history.

The ancient desire to have episcopacy grafted upon North American soil, which had found expression in the advocacy of a long line of religious idealists from Tenison and Berkeley to Secker and Benson, was now again formulated, and for once it led to a practical policy. It was suggested that Leaming, a loyalist parson who had suffered much in the war, should be elected the first American bishop, and on his refusal, Seabury was so nominated in the hope of inducing the church of England to consecrate him without requiring an oath of allegiance to George III as a condition precedent, and thus to secure the survival of a valid episcopacy across the Atlantic. The object aimed at was good beyond dispute. It meant the survival among the restless spirits of the new United States of the stable and sound qualities which Anglicanism has always tended to foster, and at the same time the maintenance of a valuable sentimental bond between them and the mother country from which they had broken. Seabury and his friends believed that mere election without the 'laying on of hands' was ineffectual to consecrate a valid episcopacy. Accordingly he sailed for England forthwith, and arrived in London on 7 July 1783,

⁴⁵ Boucher's *Causes and Consequences of the Revolution* (1797), p. xlix.

⁴⁶ Their names are in Hart's *Episcopate of Seabury* (1885), p. 5.

where he was warmly received by George Berkeley, prebendary of Canterbury a son of the philosopher of that name, and by Granville Sharp, an eager advocate of the scheme he had in hand.

Unluckily the leaders of the church failed signally to appreciate the importance of the issue. In 1784 an act of Parliament enabled them to ordain priests and deacons for service in foreign states without insisting on their swearing allegiance to the British crown, but they hesitated intolerably long before pursuing this policy to its logical conclusion and sanctioning an American episcopacy. Seabury waited with a fine patience, for he still retained much of the American's love of the homeland. The urgency of obtaining episcopal orders from some other quarter was however emphasised by the contemporaneous competition of other sects, anxious to anticipate his own by borrowing its terminology. On 2 September 1784 John Wesley, who had years before advocated the foundation of an American bishopric, 'set apart' Coke as superintendent 'to go and serve the desolate sheep in America' and thus founded the Methodist episcopal church. According to Sharp, other 'methodistical clergymen' contemplated obtaining bishops' ordination in Moravia; John Jay suggested that former Anglicans might approach the church of Denmark.⁴⁷ Franklin sought assistance for the same class from the archbishop of Paris and papal Nuncio, who naturally refused to further any non-Romanist consecration.⁴⁸ Franklin was fully alive to the advantages of Seabury's dream, but he did not like subservience to England, and urged that Americans ought either to elect their own bishops 'sans phrase,' or to apply for consecration to Sweden or Denmark. It was, he said, amazing that their own chosen bishops should not dare to officiate 'till they had made a voyage of 6000 miles out and home to ask leave of a cross old gentleman at Canterbury, who seems to have little regard for the souls of the people of Maryland.'⁴⁹ Indeed, though the admirers of John Moore, who was then archbishop of Canterbury, claimed that he 'avoided all other activities but that of Christian piety and spiritual duty,'⁵⁰ they could never argue that he possessed a clear and broad understanding of the larger questions of life. Berkeley pressed him to regard the claims of Seabury, 'a respectable presbyter well recommended from America';⁵¹ Sharp warned him not to delay, as this 'American clergyman, who calls himself a loyalist,'⁵² would otherwise go elsewhere; but all to no purpose. Despairing of the archbishop's help, Seabury entered first

⁴⁷ *Jay's Life* (1833), ii. 163.

⁴⁸ Bigelow's *Franklin* (1890), iii. 270.

⁴⁹ *Ibid.* iii. 272.

⁵⁰ Nichols' *Literary Anecdotes* (1814), viii. 95.

⁵¹ Wilberforce's *Protestant Episcopal Church in America* (1856), p. 205.

⁵² Hoare's *Memoirs of Sharp* (1820), pp. 210-1.

into negotiations through Boucher with English non-jurors, of whom Bishops Price and Cartwright were the chief.⁵³ Martin Routh, the future president of Magdalen College, Oxford, and Berkeley however urged him to turn instead to the Scots church, and he accepted their advice. 'If your grace will not grant me consecration,' he told Moore, 'I know where to obtain it.'⁵⁴ Four bishops and forty clergy maintained in 1784 the historic church of Scotland, the surviving relic of that pure episcopacy which the English government had endeavoured to suppress in 1689. They used to pray for the Pretender until his death in 1788, and their efforts were hemmed in at every turn by statutory penalties and restrictions. Happily they had in John Skinner a leader with force of character. Consecrated bishop of Aberdeen on 25 September 1782, as coadjutor to Robert Kilgour, the primus of the Scottish episcopal church, Skinner welcomed Seabury's approaches, and determined to obtain the Pretender's *congé d'élire*,⁵⁵ if it were thought necessary, to confirm the power of the Scots church to consecrate him. On 31 August 1784 Seabury applied to Skinner through Chandler, a New Jersey rector then bishop designate of Nova Scotia,⁵⁶ having first satisfied himself that the Scottish episcopacy was free and valid. Skinner, on his part, believed that Seabury's 'cause is God's; his heart is good, his resolution firm and steady.'⁵⁷ The latter then travelled to Aberdeen, and pledged himself to introduce the Scots communion service in America, provided that it was 'agreeable to the genuine standards of antiquity.'⁵⁸

On Sunday, 14 November 1784, Seabury was consecrated bishop of Connecticut in 'the upper part of a dwelling house' in Longacre, Aberdeen, known to the faithful as Bishop Skinner's chapel. The ceremony was performed by Kilgour, the primus of Aberdeen, Petrie bishop of Moray and Ross, and Skinner. The last named preached a sermon on the nature and extent of the apostolical commission, and after the consecration the little gathering sang part of the nineteenth psalm in Tate and Brady's metrical version.⁵⁹ On 15 November 1784 eight articles of a 'concordate' were formally concluded between 'the catholic remainder of the ancient church of Scotland and the now rising church of Connecticut,' under one of which the Scots form of communion service was to be adopted in America.⁶⁰ Seabury went from Aberdeen to London, sailed for the States on 1 March 1785, arrived at New London on 26 June,

⁵³ Overton's *Nonjurors* (1902), pp. 369-71.

⁵⁴ Hoare's *Sharp* (1820), p. 213.

⁵⁵ *Ibid.* p. 231.

⁵⁶ Skinner's *Annals of Scottish Episcopacy* (1818), p. 42.

⁵⁷ *Ibid.* p. 43.

⁵⁸ Coleman's *History of the American Church* (1903), p. 41.

⁵⁹ Perry's *Seabury and the Episcopal Recorder* (1863), p. 145. The chapel is described in Kennedy's *Annals of Aberdeen* (1818), ii. 180.

⁶⁰ The concordate is set out in Perry's *Seabury and the Episcopal Recorder* (1863), pp. 150-6, and in Beardsley's *Seabury* (1881), pp. 149 *seq.*

and on 2 August was formally received by the clergy of Connecticut at Middletown.⁶¹ He brought with him three documents proving his episcopal title, the official letter of consecration, an address to his clergy, and the concordate. On 3 August he performed the first episcopal ordination known in protestant America, receiving three candidates from Connecticut and one from Maryland into the diaconate, and later into the priesthood. He then undertook confirmations at Stratford, and on 5 August he joined with a committee of three persons to frame the religious service of the new episcopal church, in which the Scots communion office was a distinctive feature, and on which the later American prayer-book is largely based.⁶²

Seabury was however faced by enormous obstacles. Republican patriots looked askance at the bold actions of this whilom tory; sectaries detested so unexpected a revival of episcopal pretensions; eager English churchmen like Sharp were irritated at the conduct of the Scots church, and intrigued against Seabury in the interests of Anglicanism;⁶³ a large number of American episcopalians were jealous of the success of his 'mad ambition.'⁶⁴ Boucher's delight that this bold and honest churchman should go 'among the poor, scattered sheep of yonder wilderness'⁶⁵ was not shared by the whig element in the middle and southern states. Their first idea after the peace was to displace bishops by 'superintendents' as their spiritual leaders, but they were disconcerted by Seabury's move, and in May 1784 William White, a friend of Washington and afterwards chaplain to congress, resolved to call a meeting of episcopalians at New York. After much deliberation, delegates from seven of the thirteen revolted states determined on 27 September 1785 to continue their connexion with the church of England, subject to patriotic variations in certain prayers, and early in 1786 they heard from the two archbishops and from eighteen of the twenty-four bishops in England of their willingness to recognise an American church upon receiving the sanction of parliament to a modified form of episcopal consecration, and on condition that no changes of any material doctrinal importance should be made in the Anglican rubrics. Encouraged thus to displace Seabury from his pre-eminence, White was elected bishop of Pennsylvania on 14 September 1786. Another whig, Samuel Provoost, who had exercised no priestly offices for fourteen years,⁶⁶ had already been chosen bishop of New York on 13 June 1786. A third bishop, Griffith, did not care to push

⁶¹ *Gentleman's Magazine*, lvi. (1786), 61-2.

⁶² These ceremonies are described in *Hart's Episcopate of Seabury* (1885), pp. 15-6.

⁶³ Bigelow's *Franklin* (1890), iii. 319; *Gentleman's Magazine*, lv. (1785), 278; Perry's *Seabury and Provoost* (1862), p. 5.

⁶⁴ *Dartmouth MSS.* (*Hist. MSS. Comm. Report* xiv. part 10 [1895]), p. 483.

⁶⁵ Skinner's *Annals of Scottish Episcopacy*, p. 52.

⁶⁶ Perry's *Seabury and Provoost*, p. 3.

his claims ; but the two first named sailed for England on 2 November 1786, were consecrated at Lambeth on 4 February 1787, and arrived at New York on 7 April following.

The presence of two episcopal churches in the United States was full of peril, and on 1 May 1787 Seabury made ' noble overtures ' ⁶⁷ to his rivals to close the breach between them. Provoost was a man of indifferent character and had acquired the rectorship of Trinity church, New York, after the war by political influence alone. Hating Seabury to the point of persistently mis-spelling his name as Cebra, and calling him ' an intriguing nonjuror, ' ⁶⁸ he refused to attend any convention at which Seabury was present. Fortunately however William White was a man of higher type, and he earned the reputation of being the father of the protestant episcopal church in the United States of America by agreeing to co-operate with Seabury's supporters, who accordingly were present at a general convention held in September 1789 when Seabury's consecration was formally admitted to be valid. A revised version of the book of common prayer for American use was agreed upon. Seabury's desire for the insertion of the Scots prayers for ' the oblation and invocation of the Holy Spirit ' in the communion service was gratified, ⁶⁹ while, on the other hand, the Athanasian creed was dropped on the vote of the house of deputies. ⁷⁰ Finally, in September 1792 Seabury joined with his brother bishops, including Provoost, in the consecration of Claggett as bishop of Maryland, thus uniting the Scottish with the English episcopal succession.

The controversy brings out Seabury's characteristic strength of will. But for him, as White admitted, ⁷¹ episcopacy would have perished in the United States ; but for his moderation after 1784 it would have been paralysed by schism. He was so masterful that he counteracted the great prestige that attached to his rivals from their Anglican associations. In 1790 his jurisdiction in Rhode Island was recognised by the first American convocation. He was personally responsible for preventing the inclusion of Unitarians in the ranks of the church, ⁷² and the projected reunion in 1791 with the Methodist episcopal body. He was less successful in his attempt to retain the use of the Athanasian creed. ⁷³ Such a policy on Seabury's part indicates the nature of his theology, which, it must be confessed, was not liberal. He was essentially of the Catholic school, withstood the admission of the laity in church government, and had

⁶⁷ Perry's *Seabury and Provoost*, p. 17.

⁶⁸ *Ibid.* p. 8.

⁶⁹ Caswall's *American Church* (1839), p. 239.

⁷⁰ Coleman's *History of the American Church*, p. 54.

⁷¹ Perry's *Seabury and the Episcopal Recorder*, p. 48.

⁷² *Memorial History of Boston*, iii. (1881), 451.

⁷³ See Coxe's *Characteristics of the American Church* (1872), p. 47.

an intense belief in the efficacy of his own consecration. He believed that the Scots episcopal church was in truth a chosen instrument whereby 'a free, valid, and purely ecclesiastical episcopacy may pass into the western world.'⁷⁴ He did not look on the history of the church from the usual eighteenth-century point of view, and regarded it as derived without any break in its continuity from the primitive organisation that had been 'built upon the foundation of the prophets and apostles.'⁷⁵ Hence his use on ceremonial occasions of a black and gold mitre, depicted in old engravings of his consecration, and still preserved in Trinity College, Hartford.⁷⁶ Though not literally 'the only genuine Protestant mitre on which the eyes of any English churchmen have ever rested,'⁷⁷ as Dean Stanley suggested in 1879, it was an uncommon symbol of the primitive basis that has been claimed for protestant episcopacy, and as such was affectionately prized by its owner. His *Discourses on Several Subjects*, dedicated to the clergy of Connecticut and Rhode Island, and published in 1793, contain emphatic strictures on improperly ordained and rambling preachers, and emphatic assertions of the continuity of the church. The religious body to which he belonged was, in his opinion, radically different from 'the new-fangled scheme of parochial episcopacy, of which the Bible knows nothing, and of which the Christian church knew nothing till a little more than two centuries ago.'⁷⁸

It is quite unimportant whether we regard Seabury's doctrine as sound or unsound. His work in the world was done when American episcopacy was finally established. Thenceforward he continued to act as rector of St. James's, New London, Connecticut, until his death on 25 February 1796. In spite of his high episcopal office, he remained a poor man to the end, and his house was by far the humblest 'bishop's palace' in the world. His influence on his countrymen grew as the memory of his loyalist days passed into oblivion. At the date of his death the number of episcopal clergy had risen to nearly two hundred.⁷⁹ The republic was of course an uncongenial soil for religious propaganda of any sort. The influence of the French revolution made men much more interested in politics and science than in dogma, and Jefferson's school of thought was destitute of religious feeling. Seabury's later life consequently owed more for its influence to his character than his tenets. On his tomb at New London he was described as 'ingenuous without pride, learned without pedantry,

⁷⁴ Beardsley's *Seabury*, p. 137.

⁷⁵ Perry's *Seabury and the Episcopal Recorder*, p. 457.

⁷⁶ See *Notes and Queries*, 6th Series, v. 208, 318; Nichols' *Illustrations of Literary History*, vii. (1848), 476.

⁷⁷ *Macmillan's Magazine*, xl. (1879), 109; cf. *ibid.* xli. (1880), 192.

⁷⁸ *Seabury's Discourses* (1793), i. 95.

⁷⁹ *Caswall's American Church*, p. 365.

good without severity,' words which aptly summarise his personal qualities. It is the public side of his career that calls for greater comment.

Seabury as a theologian has been thoroughly studied, and his only biography—that of Dr. E. E. Beardsley—treats him exclusively in this aspect. As a political controversialist he is undeservedly forgotten; a few sentences in one or two of the larger histories of the period are thought sufficient for tracts that were once the talk of North America. Yet, as we have seen, they are of real value and importance, typifying in many ways the hopes and aspirations of a class of men who played a great part in moulding the destinies of Greater Britain. One question must arise in the mind of the critic who embraces in the same view the work of Seabury the loyalist and the work of Seabury the ecclesiastic. Why did Seabury, while still a professed partisan of England and in receipt of half-pay by reason of his regimental chaplaincy, cut himself adrift from the main body of the American Tories, and resign himself whole-heartedly to citizenship under the republican system that he had so ardently attacked?

Such a course was by no means due to want of courage, for it required the greatest nerve for a loyalist to return in 1788 to a state like Connecticut, which had confiscated the entire property of any man who had sought protection from British troops. The explanation seems rather to lie in Seabury's clear perception of the vices of England's colonial policy. With all his fidelity to the crown, he was chilled by the unimaginative and unsympathetic attitude towards compatriots over sea that was then the bane of British politicians. The contempt for the colonists that exasperated the republicans was no less distasteful to the loyalists who visited Great Britain itself. As regards manners and customs and character, many of these refugees felt themselves among aliens. Seabury was wholly out of touch with England's haughty indifference to the rising sun of America. He did not believe that the mother country had sufficient claims upon him to drive him into the undeveloped wildernesses of Canada or New Brunswick with the great company of his fellow loyalists, if by any chance he might remain in peace in the land where he was born.

It is moreover hardly possible to-day to realise the glamour that then overspread the vision of the young republic as it presented itself to idealists in every civilised country except England. The famous speech of Burke, in which he contrasted the early hardships of the settlers with their present prospects, was echoed all over the world in the days when Seabury made his choice. 'Here [the emigrant] beholds fair cities and substantial villas, extensive fields, an immense country, filled with decent houses, good roads, orchards, meadows, bridges, where a hundred years ago all was wild, woody

and uncultivated.' So wrote Crèvecoeur in 1782.⁸⁰ The Arcadian simplicity of this nation of farmers, 'all clad in neat homespun,'⁸¹ delighted that age, and reflected 'the most perfect society now existing in the world.' Here any white man might flee from the pressure of Europe's complex civilisation to 'the broad lap of our great Alma Mater,' and become incorporated in that 'new race of men, whose labours and posterity will one day cause great changes in the world.'⁸² Here, wrote Brissot de Warville in 1794, was 'the rising seat of arts and asylum of liberty,'⁸³ where man was 'as free as the air he breathes.'⁸⁴ America was then imagined to be for ever secure from 'enormous cities like London and Paris, which would absorb the means of industry and vitiate morals.'⁸⁵ Such a community would give its subjects permanent peace, undisturbed by the lure of wealth or by the friction of racial rivalry. It was essentially agricultural. 'Take my word for it,' wrote an English traveller in 1794, 'you have nothing to fear' from North America in the nature of industrial competition.⁸⁶ The States, wrote Dean Tucker, 'can no more rival us than if they had started up in the wilds of Tartary or the deserts of Arabia.'⁸⁷ Manufactures were only in their infancy; over 70,000 pairs of boots and shoes were imported from Europe in 1793,⁸⁸ and no trade of any magnitude existed to dispel the fancy that American life would ever be differentiated from European by a noble and austere frugality.

The revolutionary party had always taught that this ideal of a simple and strenuous life was worth the sacrifice of the material interests that filled so large a space in Seabury's own polemics. They wished for no community more luxurious than a race 'of yeomanry, who have no other dependence than on Almighty God for His usual blessing on their daily labor.'⁸⁹ Freedom was enough.

With the beasts of the wood we will ramble for food,
And lodge in wild deserts and caves,
And live poor as Job on the skirts of the globe,
Before we'll submit to be slaves, brave boys,
Before we'll submit to be slaves.⁹⁰

This pastoral society would never yield to the charms of empire or of riches. 'We wish not to possess the golden groves of Asia,' wrote one patriot, 'to sparkle in the public eye with jewels torn from the brows of weeping nabobs, or to riot on the spoils of plundered

⁸⁰ *Letters from an American Farmer*, p. 37.

⁸¹ *Ibid.* p. 39.

⁸² *Ibid.* p. 42.

⁸³ Brissot de Warville's *Travels* (1794), p. vii.

⁸⁴ *Ibid.* p. 110.

⁸⁵ *Ibid.* p. 415.

⁸⁶ Priest's *Travels in the United States of America* (ed. 1802), p. 83.

⁸⁷ Tucker's *Concluding Tract* (1776), p. 43.

⁸⁸ Coxe's *View of the United States of America* (1794), p. 122.

⁸⁹ Ramsay's *American Revolution* (1793), ii. 348.

⁹⁰ Dawson's *Sons of Liberty in New York* (1859), p. 76.

provinces.'⁹¹ Their mission was rather to tread the path of peace in touch with the heart of nature herself, with 'no other riches but what a strenuous industry has gained, virtue which a love of liberty has inspired.'⁹²

No one familiar with the literary ideals of the eighteenth century, whether expressed in the Bermuda project of George Berkeley or in the more elaborate fantasies of the French encyclopædists, will wonder at the appeal made to all sensitive minds by the anticipated career of the young republic. To Seabury, born in its secluded and unsophisticated society, it came with especial force. The influence of Washington, Jay, and Hamilton gave the state that solidity which Seabury always ranked high among political attributes, and their sober principles were not yet jeopardised by what federalists described as 'the sottish ignorance of demagogues.'⁹³ He did not live to see his countrymen's ideal brought down to mother earth by the steady rise of materialism and democracy, of wealth and commerce, of mundane politics and mundane politicians. The decision of Seabury and many fellow-thinkers to remain Americans was of all the more value to the United States since it involved their retention of a considerable conservative element, with which no organised community can afford to dispense.

Seabury's later life does not really undermine his reputation as a loyalist. Neither the character of George III nor the policy of England entitled the motherland to expect blind adherence from her sons over sea either to the throne or to the flag. No one worked harder to save the empire so long as there was any possibility of success, and few men did more in the following years to preserve in the United States the love of order and the sense of public duty which were the best legacies of their association with Great Britain. The whole of Seabury's life was consecrated to what he believed the truest interests and purest ideals of the country of his birth.

GERALD B. HERTZ.

⁹¹ Duché's *Duty of Standing Fast &c.* (1775), p. 15.

⁹² *View of the Rights of British America* (1774), p. xiii.

⁹³ Lambert's *Travels*, i. p. viii.

Léopold Delisle

SORROW for the death of Léopold Delisle is not confined to his native France. His loss will be felt through all Europe; but nowhere can there be more genuine feelings of regret than in this country. Students of the history, the palaeography, the diplomatic, and the miniaturist's art of the middle ages will no longer benefit by the continuance of the astonishing succession of monographs that flowed from his pen, traversing the wide field of medieval research, yet, with that common sense that distinguished all that Delisle wrote, always kept within legitimate bounds. A friendship of nearly forty years which has subsisted between Delisle and the writer of this memoir is now brought to a close: it is a melancholy gratification to be able, at the invitation of the Editor of the *English Historical Review*, to record in its pages an appreciation of the personal qualities of the departed friend and the scholar's life-long services to letters.

Those who have known Delisle in person will recall the short, sturdy figure, the studious stoop of the shoulders, the bent head, and above all the clear intelligent eyes that looked out from the broad face with the expression of frank honesty which at once inspired confidence. A man on first acquaintance of a somewhat shy manner, and brief of speech, modest in the extreme, helpful to all who consulted him, bountiful of his stores of knowledge, and loyal and true in friendship. What wonder then that others were attracted to such a nature, and that, when he addressed his fellow-librarians in other lands as 'colleagues,' the expression was gladly accepted as meaning something more than a conventional form of compliment.

These personal qualities were reflected in what he wrote. The impression conveyed by the perusal of any one of his numerous literary contributions, however brief or however extended, was one of perfect lucidity, of skilfully and logically marshalled facts, of extreme modesty of assertion, and of conspicuous fairness and courtesy in argument. Perhaps it is not quite possible, in portraying character, to do full justice to one of another race and country.

It may therefore be permitted to quote the estimate of Delisle's personal and intellectual qualities by one of his compatriots. In his memoir on Delisle which recently appeared in the *Revue Historique*¹ M. Charles Bémont writes these words :—

De souche vigoureuse et saine, solidement charpenté, avec un tempérament sanguin et les plus heureuses facultés ; il avait le don et le goût d'observation précise, un jugement sûr, clair et pénétrant, peu d'imagination, mais une rare aptitude à recueillir les faits, à les cataloguer, à les classer dans l'ordre le plus logique, une mémoire rapide, étendue et ténace, une puissance de travail que l'âge devait à peine amortir ; d'autre part beaucoup de sens pratique, un esprit prudent, avisé dans les affaires ; il était, bienveillant avec les personnes, d'une bienveillance qui n'allait pas sans quelque réserve ni détour, mais qui savait encourager et guider les travailleurs. Ces dons s'unissaient d'ailleurs dans un si bel équilibre qu'ils donnaient l'impression d'une nature d'élite, capable d'aborder les plus grands sujets ou les questions les plus délicates et d'y réussir sans qu'on sentit l'effort.

This estimate will be generally admitted to be just and true ; but the closing sentence rather challenges the question whether Delisle was not capable of higher historical efforts than those of his long and laborious life. His early works, M. Bémont observes in another passage, had raised some expectations that in the young Delisle there might be dormant a great historian, but that he distrusted his own powers and hesitated to launch into the domain of the *grandes idées*. We venture to think that he did not mistake his rôle, and that he did more for history by the course he adopted than he would have done by a more ambitious flight. We would not assert that he was incapable of the higher flight : that could only be proved by the event ; but under the conditions of the career marked out for him, he was wise in not making the attempt. It was his lot to be a librarian and, we speak with the knowledge of experience, the proper discharge of the duties of such a post, exacting as they are in these latter days and distracting in the extreme, is incompatible with the concentration and absorption needed for the highest order of original work. If he had succeeded as an original writer, it would probably have been at the expense of his reputation as a librarian.

Léopold Victor Delisle was a Norman, born at Valognes (Manche) on 24 October 1826. Prefixed to his works, *Recherches sur la librairie de Charles V* (1907), are some 'Souvenirs de jeunesse' in which he furnishes interesting details of his early days. Educated at the École des Frères de la Doctrine Chrétienne and at what he describes as the 'très modeste collège de ma ville natale' he attracted the notice of Charles Duhérisier de Gerville, an old *émigré* who

¹ cv. 84-91.

had passed his years of exile in England, where he had acquired a taste for research in science and history, and who on his return to France had devoted his knowledge to the benefit of his native province, becoming one of the founders of the Société des Antiquaires de Normandie and doing good service for the preservation of its ancient buildings and monuments. De Gerville detected in the young Delisle the mind and taste for antiquarian research, and appears to have found pleasure in guiding the lad's inclinations in the path of his own favourite studies. Delisle tells us that his first lesson in palaeography (the branch of medieval research which proved the most attractive to him through life) was derived from a manuscript chartulary of St. Sauveur-le-Vicomte which had fallen into the hands of de Gerville, and the first entry in which was a charter of Henry II of England. By one of those curious accidents of life, the last work on which Delisle was engaged and concerning which were almost the last words that he uttered, was the edition of the Norman charters of that king.

In the course of the year 1845 the removal of his parents to Paris took Delisle away from his native town and afforded him the opportunity of entering the École des Chartes, where he followed the three years' course from 1846 to 1848, not however under the most auspicious conditions. Whatever advantages he derived from the first year's course under Benjamin Guérard, in his second year the school was in the throes of reorganisation, and owing to the political events of 1848 it was closed for most of that year. But if Delisle was thus deprived of a part of the training of that excellent institution, his own innate eagerness for work made up for the loss. The subject chosen for his thesis at the close of his career at the École, an *Essai sur les revenus publics en Normandie au xii^e siècle*, indicates the direction in which his studies tended; and his spare time when at the École and the three years that followed were devoted to researches in the national archives in Paris and in the provincial archives of his native Normandy. Thus, as he tells us, before 1852 he had made transcripts of most of the Norman charters previous to the conquest of Philip Augustus.

His ambition, in which he was guided and supported by his old friend de Gerville, was, at this time, to secure the post of archivist in one of the departments of Normandy, and the offer of a vacancy which occurred in 1851 in that of the Seine Inférieure would perhaps have sufficed to divert his career into a channel which would have proved too narrow for his abilities. But Guérard, his old master of the École des Chartes, intervened, and, to repeat Delisle's own phrase, 'forbade' him to leave Paris, where a larger field lay open to him. He had not to wait long for a career. In 1852 Guérard was appointed to the keepership of the department of manuscripts in the Bibliothèque Nationale; and in November of that year

Delisle became an 'employé' under him. From that time for upwards of half a century Delisle was identified with the great library in the Rue Richelieu, rising through the different grades and becoming the keeper of his department in 1871, and in 1874 Administrateur Général of the establishment.

He has told us in his 'Souvenirs' of the sorry state of things in the department of manuscripts when Guérard took up the reins, and how his chief worked to reduce chaos into order during his brief tenure of office. This was Delisle's opportunity. The confusion and arrears of arrangement called for industry and energy and method; and it was in the course of his work on the *indigesta moles* before him, and following the advice and instructions of Guérard, that he gathered the intimate knowledge of the history of the collections which he afterwards embodied in the *Cabinet des manuscrits de la Bibliothèque Impériale (Nationale)*, first published in 1868. Guérard died in 1854; but his successor was as good a friend to Delisle. In Natalis de Wailly the young employé found 'the same qualities, the same knowledge, the same wisdom, and the same affection,' as in Guérard. Nay more, it was to de Wailly among others that Delisle owed his introduction into the family of Eugène Burnouf, the distinguished orientalist, where he found the domestic happiness of his life, marrying on 10 June 1857 Laura, the eldest daughter of the house. This gifted lady became not only the companion of his hearth but also the companion of his studies, working with him and assisting him, as he himself has described it, with modest self-effacement and finding her happiness in her husband's career and in the successes and honours that came to him.

Six months after his marriage, on 11 December, Delisle was elected a member of the Institut de France, in the Académie des Inscriptions et Belles-Lettres: a great distinction for a young man of only one-and-thirty, and a proof of the esteem in which he was held and of the position he had already attained as a student of history. Although he had been attached to the Bibliothèque Nationale but five years and still ranked as an 'employé,' he had made a name by several valuable publications. Even before he had passed out of the École des Chartes he had printed the monograph *Des monuments paléographiques concernant l'usage de prier pour les morts* (1847) which gained for the author the commendation of the Académie des Inscriptions. In after-years he followed up this essay with other works on the same subject. In 1866 appeared his *Rouleaux des morts du ix^e au xv^e siècle*, published under the auspices of the Société de l'histoire de France, gathering together and analysing upwards of fourscore original documents; and it was only in the year before his death that he rounded off his researches and delighted his fellow-palaeographers with his handsome

facsimile edition of the *Rouleau mortuaire du B. Vital, abbé de Savigni, 1122-1123*.

To continue his early productions. Besides minor papers on different subjects of medieval interest, a large and laborious work, *Études sur la condition de la classe agricole et l'état de l'agriculture en Normandie au moyen âge*, appeared in 1851, bringing to its author for two years the first prix Gobert of the Institut. This was followed by the *Cartulaire Normande de Philippe Auguste, Louis VIII, Saint-Louis et Philippe le Hardi*, in 1852, and in 1855 by his *Notice sur Orderic Vital* which appeared in the fifth volume of the *Historia Ecclesiastica* of Ordericus, in the editing of the last two volumes of which Delisle had been associated with Auguste Le Prévost. The *Catalogue des actes de Philippe Auguste*, a large work accompanied by a most valuable introduction, was issued early in 1856; and in the next year Delisle's *Mémoire sur les actes d'Innocent III*. Those who may have had occasion to attempt to unravel the intricacies of the diplomatic of the papal chancery will have appreciated to the full the masterly treatment of the subject of this last-named monograph.

From the year 1858, then, to the end of his life Delisle's interests may be said to have been divided in particular between the Bibliothèque Nationale, the Académie des Inscriptions, the École des Chartes, and, we may add, his native province of Normandy. The Bibliography of Delisle's works which was compiled in 1902 by M. Paul Lacombe gives the amazing total of nearly nineteen hundred items. Of course, this covers not only important works such as those which we have already noticed and those which remain to be noticed, but also such smaller things as reports, reviews, brief memoirs, and short essays. But even then the number is astonishing, and is a proof of what the *labor improbus* of a long and self-denying life is capable of accomplishing. It has been remarked elsewhere that we may rank Delisle among the illustrious savants of the seventeenth and eighteenth centuries; and indeed he resembled them, not only in the enormous output of his work, but also in the methods which he followed in its production. It may be said that, in spite of the distractions of modern life, his whole time was devoted to work, and that the idle moment found no place in his daily toil.

It is not easy to apportion to the head of a department or of a great library the actual share which is his in the several publications officially issued under his name. They need not necessarily be, nor are they generally to be accounted, the work of his own hand. They may be chiefly compiled by the staff working under him; but he is responsible for their trustworthiness and accuracy, and in any shortcoming the blame must rest with him. Delisle was not one to allow imperfect work to pass out under his name, and we believe

that we are correct in stating that the catalogues of the Latin and French manuscripts of the Bibliothèque Nationale issued in his time were altogether of his compilation. The *Inventaire des Manuscrits latins*, nos. 8823-18613, was published in the pages of the *Bibliothèque de l'École des Chartes* between 1863 and 1871, and took up the work from the point where the old catalogues had left the collections. The *Inventaire des Manuscrits français* appeared in two volumes in 1876-1878; and the *Inventaire alphabétique des Manuscrits latins et français* issued in 1891 covered the acquisitions between 1875 and that year. But the book of special attraction, which was the outcome of his early connexion with the department of manuscripts, was the *Cabinet des MSS. de la Bibliothèque Impériale [Nationale]*, to which reference has already been made, being the early history of the collection of that department, issued in 1868-1881. The sub-title gives the key to the interest of the work which is described, deservedly, as 'Étude sur la formation de ce dépôt, comprenant les éléments d'une histoire de la calligraphie, de la miniature, de la reliure, et du commerce des livres à Paris avant l'invention de l'imprimerie.' Indeed, of all Delisle's many publications, this one has been very generally regarded as the most remarkable. Towards the end of his life, in 1907, he issued an elaborated development of one section of the *Cabinet* in his *Recherches sur la librairie de Charles V*, which he dedicated to the Académie des Inscriptions on the jubilee of his membership, prefacing it with the interesting *Souvenirs de jeunesse* to which we have had occasion to refer.

As Administrateur Général his field of operations was extended, and he at once turned his energies to the reorganisation of the much neglected library of printed books. A methodical system of cataloguing under alphabetical arrangement was instituted, arrears were gradually absorbed, and at length, after some twenty years' preparation, the first volume of the *Catalogue général des livres imprimés de la Bibliothèque Nationale* appeared in print in 1897.¹

¹ The catalogue of the Bibliothèque Nationale is drawn up on different lines from those of the general catalogue of the British Museum. The latter is a general catalogue in one full series, arranged alphabetically under authors' names, including also anonymous publications, and incorporating large class-headings, such as 'Academies,' 'Periodical Publications,' 'England,' 'France,' 'Rome,' etc., and being furnished with a very elaborate system of cross-references. The French catalogue is to be composed of three series: (i.) a catalogue, arranged alphabetically, of all works in the Library, the authorship of which is stated or is known from other sources; (ii.) a catalogue of anonymous works and works published by learned societies and other bodies; (iii.) a catalogue containing special headings for certain classes of publications which it is considered advantageous to group together. The series which is now in course of publication is the first, viz. the catalogue under names of authors, the first volume of which, as stated above, appeared in 1897. Progress since that date has been slow, the last published volume, issued in September 1909, bringing the work only down to the middle of letter D.

Meanwhile, amidst all his official duties, Delisle did not neglect service to the publications of the Institut. To volumes xxii and xxiii of the *Recueil des historiens des Gaules et de la France*, issued respectively in 1865 and 1876, he contributed; but volume xxiv is entirely his work. In a regular supply of essays and papers to the *Mémoires de l'Institut*, to the *Notices et extraits des Manuscrits*, and to the *Histoire littéraire de la France*, he never failed. The École des Chartes, to which he was attached by a feeling of almost filial piety, had the benefit of his constant attention. He became a member of its Conseil de perfectionnement in 1858, and its President in 1878. One has only to turn over the leaves of the volumes of that most capable and valuable publication the *Bibliothèque de l'École des Chartes* to appreciate how constant was Delisle in his contribution of memoirs, notices, reviews, and matters of palaeographical and cognate interest. One specially important work which we owe to him and other members of the École is the *Album paléographique* of heliogravures of selected manuscripts of the libraries of France published in 1887. In loyalty to his native Normandy, as well as from choice and predilection, a large portion of Delisle's studies, as may have been observed, was devoted to its records and antiquities. For the Société de l'Histoire de Normandie he edited the *Actes Normands de la chambre des comptes sous Philippe de Valois* (1328-1350) in 1871; and in the following years the important chronicle of Robert of Torigni. Nor should we omit to record a considerable work which he had previously edited in 1864: the *Recueil de jugements de l'Échiquier de Normandie au xiii^e siècle* (1207-1270).

But a further recapitulation of the results of Delisle's untiring literary activity in so many directions might prove wearisome. The writer of this article would, however, desire to place on record the debt of gratitude which, together with other palaeographers, he owes to Delisle for the numberless monographs on Latin and French palaeography and the lore of the manuscripts of the middle ages which flowed from his pen, models of lucid description and modest exposition. Probably in his own estimation the greatest triumph in Delisle's career was when he succeeded in restoring to the Bibliothèque Nationale those manuscripts of the Ashburnham collection which had been abstracted by the too notorious Libri from the libraries of France. Those who remember the offer of the collection by the Earl of Ashburnham to the British government in 1883 will not have forgotten the intimate knowledge and the rare sagacity that Delisle displayed in the identification of the several manuscripts to which he laid claim in the name of France as part of her possessions fraudulently alienated. His proofs were incontestable; and it is a pleasure to remember how his efforts for the restoration of the lost sheep were eventually crowned with success after five years'

diplomatic negotiation. He himself tells the story of the affair in his preface to the *Catalogue des Manuscrits du fonds Libri et Barrois*, 1888.

But to his personal friends another occasion was perhaps of greater interest. This was the celebration, in 1902, of the triple jubilee of his first appointment to the Bibliothèque Nationale, and of his membership of the Société de l'Histoire de France and of the Société de l'École des Chartes, when from every side and from distant lands came the congratulations of those who had benefited by the labours of Delisle as librarian, palaeographer, and historian, and who rejoiced to acknowledge his supreme merit in all three capacities. M. Paul Lacombe's *Bibliographie* of his works was the outcome of that celebration.

But a brief three years brought changes which were less happy both for Delisle and for his friends. We are not here concerned to criticise the action of those who control the destinies of great establishments such as the Bibliothèque Nationale. If, after his service of more than half a century, they felt constrained to call upon the Administrateur Général to resign his post, we must presume that they had sufficient reason for their decision. But the sudden announcement that Delisle was placed *à la retraite*, 21 February 1905, came as an unwelcome shock to his friends; to himself, it was a humiliation that he felt in all its bitterness. And, alas! by one of those calamitous strokes of destiny which touch the human heart so keenly, on the very day appointed for their departure from the Bibliothèque, husband and wife were separated by the death of Madame Delisle on 11 March 1905. Such cruel blows might have crushed a man of even greater endurance than Delisle; but with fortitude and courage he submitted to his lot and turned again to his old studies. He was fortunate in having at his disposal resources such as but rarely fall in the way of the pensioner. As one of the curators of the Musée Condé, that noble bequest of the Duc d'Aumale to the French nation, he had the library of choice books and rare manuscripts at Chantilly open to him in which to continue his palaeographical and bibliographical researches for the remaining five years of his life. There, then, contentedly he passed his last days, mentally strong and bodily vigorous almost to the end. It was only during the few closing weeks that his health was visibly affected. On the evening of the 21 July 1910, he wrote excusing his attendance at the celebration of the millenary of Cluny.

Ma vue s'est bien affaiblie, ma mémoire me trahit à chaque instant; souvent j'ai grand' peine à rester debout ou à faire quelques pas. . . . L'heure du repos a sonné pour moi et j'aurais dû m'en apercevoir plus tôt.

On the morrow, while conversing quietly on literary schemes, he peacefully expired. *Felix opportunitate!*

E. MAUNDE THOMPSON.

Notes and Documents

Waldric, the Chancellor of Henry I

It is notoriously difficult to date the large majority of the charters issued by the Anglo-Norman kings. At the best we have usually to be content with naming a period of four or five years in which they must have been issued. For this purpose various sources of information are available: royal itineraries, so far as they are given by the chronicles and dated charters; lists of bishops; lists of sheriffs of counties, where these can be established; and lists of court and household officers. Under the last-named head come the chancellors and the *custodes sigilli*, who attest charters so frequently that the precise dates when they entered and left office become matters of consequence. This must be our apology for embarking on a rather tedious problem of chronology. The chancellors of William Rufus, and of Henry I in his early years, happen to be peculiarly valuable evidence for the dates of those charters to which they are witnesses, since they held office for comparatively short periods of time. Unfortunately there exist certain doubts as to the names and periods of office of the chancellors between 1087 and 1107. We cannot hope to settle all these doubts; but for chronological purposes it is a point gained to remove even one or two. The following discussion is concerned with the doubts which centre round the name of Waldric.

The late Mr. T. A. Archer, writing in the *Dictionary of National Biography*, xx. 372, suggested that the Waldric who held the chancellorship for a few years under Henry I 'is probably the *Galdricus cancellarius* who attests a charter to Andover Priory, Hampshire, towards the middle of William II's reign.' It is commonly taken for granted that Rufus had only two chancellors: first, Robert Bloet, who was consecrated bishop of Lincoln on 12 February 1094; secondly, William Giffard who attests many charters, with the title of chancellor, in the later years of the reign. Mr. Archer was prepared to add two names to the list. He argued in a previous number of this review (vol. ii. p. 103) that Ranulf Flambard, if never *de iure* chancellor, was *de facto* in that position at one time. His second nominee was Waldric. The claims of

Ranulf Flambard, ingenious as is the argument by which they are supported, were disallowed by Bishop Stubbs¹ and will not bear a close examination. The chancellors of Rufus are often denoted, in the charters which they attest, by an initial letter. It is just possible that the *R. cancellarius* and the *W. cancellarius* of certain charters should be identified with Ranulf Flambard and Waldric. But the probabilities are against this view, and the onus of proof lies on those who propound the hypothesis. In the clear cases of Flambard's appearance he is styled *capellanus*; Waldric appears neither as chaplain nor as chancellor in any charter ascribed to William II, except in the solitary document adduced by Mr. Archer. What then is the authority of this document?

The document in question was palmed off as a charter of William I by the monks of Andover, on the chancery of Edward II.² It is however only a memorandum of several transactions affecting Andover priory; it quotes from several charters, but in itself is not a charter. One of the charters quoted is attested by Waldric the chancellor, but can be shown to belong to the reign of Henry I. That Mr. Archer should have misread the memorandum is not surprising, for the language of the writer is confused, and the sequence of the events which he records is not obvious at the first glance. It is necessary to give a brief analysis of his narrative. This contains: (1) an abstract of a charter, professedly granted by William I *qui armis Anglicam terram sibi subiugavit*, bestowing the church of Andover and its appurtenances upon the monks of St. Florent of Saumur; (2) an inventory of the lands, tithes, and dues included in this grant; (3) the history of an inquest which was taken in the hundred-court of Andover, under a writ from Henry I, to vindicate the rights of St. Florent against one Aluric, the reeve of Andover; (4) the text of a concord between Edward of Foscote and St. Florent, concerning the chapel of Foscote, by which Edward granted certain tithes in return for the services of a priest; (5) names of those who took seisin of Edward's gift, and of those who were present at the livery of seisin; (6) the list of witnesses to which Mr. Archer refers: *Haec carta fuit sigillata apud Sturunellam in Nova Foresta, et hi sunt testes: Rotbertus episcopus de Nicola, Galdricus cancellarius, qui habuit inde rancinum, Rammulfus abbas S. Vincentii Cenomannensis, Alanus filius Flealdi, Gislebertus monachus, Willielmus filius Baderoni, Rammulfus Peurel, Drogo qui custodiebat sigillum.*

Mr. Archer supposed that in (6) we have the attestations of King William's charter; and, from the appearance of Robert Bloet as bishop of Lincoln, concluded that William II, not William I, was the grantor. It happens that we can test Mr. Archer's results by reference to another source. The original grant of Andover to St.

¹ *Const. Hist.* i. (ed. 1897), p. 382.

² *Monasticon*, vi. 992; from Pat. Roll, 8 Edw. II., pt. 2, m. 1.

Florent is analysed in a pancarte of the latter house. It turns out that the grant was made by William II on 12 March 1100, in the presence of Wihenoc the monk, William the monk, Count Alan and Ivo Taillebois.³ It might be argued that the sealing was a separate transaction, subsequent to the original grant. But the evidence that William Giffard was chancellor in the last year of Rufus' reign is tolerably conclusive. *Willelmus Cancellarius* attests a precept, addressed to Ranulf bishop of Durham, concerning the liberties of the monks of St. Cuthbert, which cannot be earlier than 5 June 1099, the date of Ranulf's consecration.⁴ From the beginning of the reign of Henry I he is found still acting as chancellor. There is no reason to suppose that for a few months at the end of the preceding reign he had been temporarily superseded by Waldric.

We conclude, then, that the list of witnesses which terminates the 'charter' cited by Mr. Archer is taken from a confirmation of Henry I, relating either to the inquest at Andover or to the grant of William of Foscote, or to both transactions. This conclusion is consistent with the names of the witnesses who appear in Waldric's company. Alan fitzFlaald never occurs in the charters of Rufus. The earliest of the datable royal charters to which he is a witness is one of September 1101,⁵ and he owed his English estates to the liberality of Henry I.⁶ Ramnulf, abbot of St. Vincent of Le Mans, does not occur elsewhere in the charters of Henry I; but his church obtained from that sovereign, in the years 1103-6, a charter which is attested by Waldric the Chancellor.⁷

We may therefore exclude Waldric's name from the list of the chancellors of Rufus. It remains to discover the date at which he came into office.

William Giffard, though he appears as bishop-elect of Winchester among the witnesses to the coronation-charter of Henry I, continued to act as chancellor until the spring of the following year. It is in this capacity that he attests a treaty with Count Robert of Flanders, which was concluded on 2 March 1101,⁸ and a royal grant to Rochester on 12 March.⁹ Immediately afterwards he disappears from the chancery. The explanation is probably to be found in an entry of the Winchester Annals under this year. *Iterum coronatus est rex apud Wintoniam ad Pascha, suscepitque Gifardus episcopatum Wintoniae assensu Anselmi*.¹⁰ Anselm drew a distinction between

³ *Bibl. de l'École des Chartes*, 1879, p. 192; abstract in J. H. Round's *Calendar of Documents preserved in France*, p. 415.

⁴ Durham Cathedral, *Cartularium Vetus*, fo. 67.

⁵ *Monasticon*, iv. 15.

⁶ Eyton, *Antiquities of Shropshire*, vii. 220.

⁷ Martène et Durand, *Amplissima Collectio*, i. 578; Round, *Calendar*, no. 1048.

⁸ *Foedera*, i. 3 where it is misdated 1103.

⁹ *Monasticon*, i. 164, no. xiv.

¹⁰ *Annales Monastici*, ed. Luard, ii. p. 41.

Giffard and the other bishops-elect who were awaiting consecration, because Giffard had never accepted investiture from Henry. The archbishop would have consecrated Giffard, if Henry had allowed it, and Giffard was at pains to justify the archbishop's good opinion of him.¹¹ It was probably in deference to Anselm's views that Giffard retired from the chancellorship, an office which was held to be unbecoming for a bishop.

Whatever the cause of the change, Roger the chaplain succeeded Giffard in the chancery, at least as early as 3 September 1101.¹² Roger continued as chancellor after he was elected to the see of Salisbury (13 April 1103);¹³ for we have at least two writs of Henry I to which *Rogerus episcopus et cancellarius* is a witness.¹⁴ He did not however continue long in his old office. For on 24 May 1103 (*in octabis Pentecostes*) we find Waldric attesting as chancellor at Windsor.¹⁵

Mr. Archer, in the article already cited, states that Waldric appears as chancellor at Salisbury on 3 January (*sic*) 1103. The charter which he adduces is indeed dated *anno MCIII ab incarnatione Domini, idus Ianuarii, die octavarum Epiphaniae*,¹⁶ which, according to the ordinary Anglo-Norman mode of reckoning, should be 13 January 1103. If we accepted this date we should be driven to the conclusion that Roger had styled himself *episcopus* after his nomination and before election. But Anglo-Norman usage in reckoning the commencement of the year was not altogether stereotyped at this date, as may be seen from the famous Bath charter of 27 January 1091, on which Freeman has commented.¹⁷ Mr. Archer's charter may therefore be assigned to 13 January 1104.

Of Waldric's antecedents we know practically nothing. He was a royal chaplain as early as 3 September 1101,¹⁸ and is styled chaplain as late as the Christmas feast of 1102.¹⁹ As we have seen, he entered upon the office of chancellor between 13 April and 24 May 1103. From that date down to the end of 1106 he continually appears in the king's company, and I can find no ground for accepting the supposition of Mr. Kingsford²⁰ that Roger 'may possibly have resumed his office as chancellor in 1106.' The Waldric *capellanus regis* who captured Duke Robert at the battle of Tinchebrai²¹ is unquestionably

¹¹ Eadmer, *Hist. Novorum*, ed. Rule, p. 144.

¹² *Cart. of Bath Priory*, ed. Hunt, p. 43.

¹³ This date is supplied by the *Flores Historiarum* (ed. Luard), ii. 36.

¹⁴ P. R. O., *Cartae Antiquae*, no. 13 (10); *Monasticon*, i. 164.

¹⁵ *Ramsey Cart.* i. 238. The editor gives the date as 1103-6, but 1103 is the only year of this period in which Whitsuntide was celebrated at Windsor.

¹⁶ *Monasticon*, vi. 1083.

¹⁷ Freeman, *William Rufus*, ii. 484.

¹⁸ *Monasticon*, iv. 16, and *Cart. of Bath Priory*, p. 43.

¹⁹ *Monasticon*, vi. 1043, 1099. On the date see Eyton, *Antiquities of Shropshire*, ii. pp. 193-4.

²⁰ *Dict. of Nat. Biogr.* xlix. 104.

²¹ Orderic, ed. Le Prévost, iv. 230.

the chancellor, though the fact has been doubted; for it is Waldric *cancellarius* who attests the letter of Henry I to Anselm, written immediately after the battle. His attestation, missing in Eadmer's text, is supplied by an independent copy of the letter.²²

An unfortunate error in Duchesne's text of Orderic has misled some writers as to the end of Waldric's career: *Non multo post Landavensis pontifex effectus parrochianos nimis aggravavit, unde a civibus suis in quodam viridario . . . percussus occubuit*. It was not at Llandaff but at Laon that the ex-chancellor met his death. This is established by Le Prévost, who restores the true reading *Laudunensis*.²³ The fate of Waldric forms a tragical episode in the early history of the commune of Laon. We need not give the whole story, as it is related by the contemporary chronicler, Guibert of Nogent.²⁴ But Guibert's chronological data are valuable for our immediate purpose, since they prove that Waldric did not return to England with Henry I in 1107, and indeed cannot have acted as chancellor for more than a few weeks in that year. The see of Laon had been violently contested by undesirable candidates for two years since the death of Bishop Ingelramn II († 1104). At length the electors decided to ask the king of England for Waldric, of whose wealth they had heard wonderful stories. A deputation was despatched which found Henry at Rouen. This cannot have happened before October 1106, and the sequel suggests an even later period of that year. The king's consent was granted; to give the transaction a more reputable appearance, Waldric was hurriedly consecrated a sub-deacon and appointed to a canonry in Rouen cathedral. He proceeded to Laon, and soon afterwards went to Langres to meet Pope Paschal II and obtain recognition of his title. The itinerary of Paschal shows that the interview took place at the end of February or the beginning of March 1107.²⁵ In spite of his doubtful antecedents and unclerly habit of life, Waldric passed the scrutiny of pope and cardinals. From that time to his death in 1112 he was absorbed in the affairs of his turbulent diocese. Once only did he visit England in his new character of bishop, apparently in the years 1110–11; according to Guibert he went to borrow money from King Henry and succeeded in the quest, but of this visit we find no trace in Henry's charters.

Guibert, who was well acquainted with the ex-chancellor but did not like him, gives some details which enable us to realise Waldric's personality, as seen by a vivacious and hostile observer. The bishop, it seems, was unconventional in dress and behaviour; he played strange pranks when he was in good spirits; he loved to talk of

²² Jesus College, Oxford, MS. no. 51, fo. 104; see *ante*, vol. xxiv, 729.

²³ Orderic, iv, 230.

²⁴ *De Vita Sua*, iii., in Bouquet's *Recueil*, iii, 245–253.

²⁵ Jaffé-Wattenbach, *Regesta Pontificum*, i, 729.

dogs and horses—a bad habit which Guibert suggests that he had learned in England. Rumour said, both at Laon and in England, that he had come by his great wealth none too honestly; what he had gained he spent with the prodigality of the *nouveau riche*. He was charged with planning the assassination of one opponent, and another he caused to be blinded by his negro slave. He took no trouble to protect life and property; he winked at the extortions of his officials. The picture is highly coloured, perhaps over-coloured, but may be said to agree with what we learn of other royal ministers of the period who had been raised, like Waldric, from the dust to do the pleasure of a despotic sovereign. Waldric was a less able Roger of Salisbury, a less fortunate Ranulf Flambard; a valuable instrument, but rapacious, unscrupulous, and wholly intolerable when placed in a position of comparative independence.

The successor of Waldric was Ranulf. He took up office in the course of 1107; and since he witnesses a charter to St. Andrew's, Northampton, in the company of Bishop Maurice of London, his appointment was made not later than 26 September of that year, the date of Maurice's death.²⁶ How much earlier he may have been appointed is uncertain; the royal charters of this year cannot be dated with sufficient exactitude to help us. There may have been a gap between the retirement of Waldric and the appointment of Ranulf; but the gap was at most of a few months' duration, and no one appears in the interim with the title of chancellor.

To sum up the results of our enquiry: there is nothing in the evidence at present available to prove that either Ranulf Flambard or Waldric were chancellors of William II; there is nothing to prove that Roger of Salisbury held the office of chancellor for a second time. We have the best reasons for believing that Waldric was chancellor from May 1103 to the end of 1106 or beginning of 1107, and no reason for thinking that the office passed to any intermediate holder between Waldric and Ranulf.

H. W. C. DAVIS.

The Honour of Mortain in the Norman Infendationes Militum of 1172.

THE list of Norman knights' fees originally compiled in or about 1172 may be studied in two texts, one of which is to be found in the Register of Philip Augustus of France, the other in the Red Book of the Exchequer in England. The various versions of the former text go back to the Vatican manuscript of the Register of Philip Augustus, which has been edited in facsimile by M. Delisle. It is unnecessary,

²⁶ *Monasticon*, v. 191.

therefore, to consult any other copies of this text, and it is misleading to compile a composite text based upon them, as was done in earlier editions of the list. The best way to establish the original readings is to collate the Vatican MS. with the independent version preserved in the Red Book of the Exchequer. Mr. Hubert Hall has done this in his notes to the latter.¹ The original compilation was in the form of a roll, as may be proved from internal evidence.² The list begins with an account of the fees of bishops and abbots,³ then follows a long list of the greater tenants-in-chief of Normandy,⁴ commencing with Count John [of Ponthieu], the count of Meulan, the earl of Chester, the earl of Leicester, William of Courci, Hugh Paynell, Robert of Montfort, &c. In this list appear such great names from the east of Normandy as the chamberlain of Tancarville, Hugh of Gournai, Hugh of Mortemer. After this the escheats and smaller tenants are arranged, somewhat confusedly, under the bailiwicks in which they were situated.⁵ A few scattered entries, some of them important, and a list of those who sent in no return, conclude the survey.⁶ This is an intelligible arrangement. It corresponds to the well-known Anglo-Norman distinction between the greater and lesser tenants, with the latter of whom communications were for some purposes made through the local sheriffs or bailiffs. It is natural also that as the returns were written down, there should be some disorder and repetition in the arrangement. It would be easy to overlook some items, and these would have to be inserted later. Hence there are cross-references and double entries. The bailiwick of Exmes (de Oximis) for example appears twice,⁷ so does the bailiwick of Cerences.⁸ Everyone knows how easy it is for the headings in an early roll to become confused with the text proper, so that some entries may seem to belong to sections which the heading was not intended to cover, or some casual entry may, if the scribe is not careful, be promoted to the dignity of a heading.

These preliminary observations have brought me to the point which has provoked this note. The long list of greater tenants-in-chief is curiously interrupted by a heading. After the bishops and abbots, we have :

Comes Iohannes, xx milites ; et ad servitium suum, cxj milites.

Comes Mellenti, xv milites ; et ad servitium suum lxij milites et dimidium.

Comes Cestriae, x milites de Sancto Severo, et de Brichesarde ; et ad servitium suum ij milites et dimidium iij^{am} partem et viij^{am}.

¹ ii. 624. See also pp. cccxxii-ccxxxiii.

² In isto Rotulo, Red Book, ii. 643.

⁴ Pp. 626-632.

⁵ Pp. 642-645.

⁸ P. 635, de vicecomitatu de Cerenciis ; p. 640, de Baillia Cerenciis.

³ Pp. 624-626.

⁶ Pp. 632-642.

⁷ Pp. 638, 641.

IDEM, DE FEODO MORTONII

Comes Leycestriae x milites de honore de Grentemenyl et ad servitium suum xl milites
etc.

The effect of this insertion, *Idem de feodo Mortonii*, or, as the Registers read, *Item, de feodis Moretonii*, is to make the great majority of the chief Norman barons vassals of the count of Mortain. This is an impossible suggestion for which there is no evidence. The heading is clearly an error, and, as the summary of the roll given above shows, breaks into the natural arrangement of the fiefs. It has however been accepted without explanation owing to the fact that a fourteenth century copy of this section exists which is 'preserved in a collection relating to Mortain.'⁹ This document however only shows that the heading was accepted and misunderstood in the middle ages.

The reading of the heading in the Exchequer Red Book, '*Idem de feodo Mortonii*,' suggests the solution of the problem. Mr. Hall remarks that the words are 'doubtfully written as a heading in the MSS.' Since both texts hesitate in the same way, it is probable that the original roll was not distinct at this point; and I suggest that the heading is really part of the entry relating to the earl of Chester, thus:

Comes Cestriae, x milites de Sancto Severo et de Brichesarde; et ad servitium suum ij milites etc.

Idem, de feodo Mortonii. . .

Comes Leycestriae x milites de honore de Grentemenyl &c.

In the first place it is known that the earl of Chester, besides his lands in the Vau de Vire and the Bessin, held fees of the count of Mortain. For example, about the year 1180, Henry I, with the consent of Stephen count of Mortain and Richard earl of Chester, confirmed a grant of land at Vengeons, made by Robert the son of Martin to the abbey of Savigny. The charter states that the land at Vengeons (which is just within the department of Manche, between Vire and Mortain) was held of the earl of Chester *in the fee of Mortain*.¹⁰ In the second place, entries which correspond to the interpretation here proposed are found elsewhere in the list of knights' fees. For example:

Ricardus de Vernone, x milites de honore de Nehashou (Néhou), et ad servitium suum, xxx milites in Constantino.

Idem, de Comitatu Mortonii, v milites (p. 630).

Gilbertus de Brewecort, i militem Regi de Pinu cum pertinentiis.

Idem, j militem de feodo Mortonii in Cerenciis (p. 638).

⁹ *Red Book*, ii. 627 note. The MS. is in the Trésor des Chartes, Mortain, no. 2, carton J 224. See Delisle, *Cartulaire Normand*, no. 212, p. 33.

¹⁰ Round, *Calendar of Documents preserved in France*, no. 797, p. 290.

There are other examples, where Mortain is not concerned. Thus (p. 634) :

Radulfus de Theuville j militem ad custodiam eiusdem Castri (de Gaureio). Idem, de feodo Turgisi de Traceio &c.

The reason for the frequent references to Mortain is simple. The honour at the time of the inquiry was in the king's hands ; consequently it was necessary that the services due to the count should be recorded. A full statement of the service due from the honour is made towards the end of the roll (p. 648), and also under the heading of the bailiwick of Osbert de Hosa (the Cotentin). It is curious that the entry should have been tacitly accepted from the fourteenth century onwards. The real extent of the honour was of course well known. It is admirably described in the act of division drawn up in 1235.¹¹

It may be worth while to remark that the headings in the list are misleading in other places, as they are given in the Red Book. On p. 641 the barony of St. Saens (*Sancto Sidonio*) is wrongly placed under the heading 'In baillia de Oximis,' and is not sufficiently connected with what follows. The barony, which was in Bray, was escheated at this time, and farmed separately, as the exchequer roll of 1180 proves.¹² It is probable that the next entry, 'Osbertus de Calleio,' is intended to be descriptive of the barony, since the honour of Cailly, as such, is dealt with earlier in the list (p. 628). If this be the case, we get a straightforward connexion between St. Saens and the following entries, which disposes of the misleading arrangement in the Red Book. I add in parallel columns the text of the Red Book and an emended reading based upon the text in the French Register, (A), the readings of which are cited in the footnotes to the Rolls edition.

Red Book ii. 641-2.

Suggested Reading.

IN BAILLIA DE OXIMIS ¹³

Robertus de Sancto Leonardo, i
militem Regi ¹³

Fiers . . . i militem Regi.¹³

De Baronia de Sancto Sidonio, iij
milites Regi.

Osbertus de Calleio, ij milites,
scilicet j militem ad suum
custamentum, et alterum ad
custamentum domini.

De Baronia de Sancto Sidonio,
iij milites Regi.

Osbertus de Calleio, ij milites, scilicet
j militem ad suum custum et
alterum ad custum domini de
Sancto Sidonio.¹⁴

¹¹ *Cartulaire Normand*, no. 412, p. 66.

¹² *Rot. Scacc. Norm.*, ed. Stapleton, i. 58, 59, and Introduction, cij-ciiij.

¹³ Omitted in A. Saint Leonard is Le Bourg St. Leonard, close to Exmes (cf. grant of Robert of St. Leonard confirmed by Richard I, *Cartulaire Normand*, no. 1134, p. 309).

¹⁴ A gives *de Sancto Sidonio* as a heading, perhaps rightly. That the two fees

ISTI SERVIUNT AD CUSTUM DOMINI. ¹⁴		Gaufridus de Sancto Martino, j militem.
Gaufridus de Sancto Martino j militem.		Michael de Bosco, j militem.
Michael de Bosco, j militem	Isti ad custum domini	Willelmus de Malcuple, j militem.
Willelmus de Malcuple j militem.		Ricardus de Pirrecort, j militem.
Ricardus de Perrecort j militem.		Gaufridus de Augo, j militem.
Gaufridus de Augo, j militem.		Et isti quinque milites serviunt ad custum domini.
Manasserus Aguilun &c.		(Here the section given to St. Saens should end.)

If we put aside Geoffrey of Eu (Augo) whose native place was not far away, all the persons mentioned above took their names from places near St. Saens. Cailly lies about ten kilometres south-west of St. Saens, on the way to Rouen. St. Martin is probably Saint-Martin-Omonville; ¹⁵ Malcuple is Maucombe: both close to St. Saens. Pirrecort is apparently Quievrecourt, by Neufchatel, about twelve kilometres from St. Saens. Places whose names contain the word *Bois* (*Bosco*) abound in the neighbourhood.

Finally, I may note that the bailiff of La Londe, whom the Red Book gives as Ranulfus de Rollancourt (p. 641), was read as *Ranulfus de Frellencort* by Stapleton. In spite of the reading of the Red Book, Stapleton's version is correct, since Ranulfus de Frellencort was bailiff of this district 'inter Rislam et Sequanam' in 1180.¹⁶ The text in the French Register substitutes for the name of the bailiff the later name of the bailiwick (Londa) as it does in several other places.

F. M. POWICKE.

Early Manumissions at Staunton, Nottinghamshire.

THE four documents which are printed below are preserved among the manuscripts belonging to Henry Charlton Staunton, Esq., lord of the manor of Staunton, Nottinghamshire. They were examined in the latter half of the seventeenth century by Robert Thoroton, the historian of Nottinghamshire, who transcribed them in a book which still remains in the possession of the Staunton family, and gave an

of Oshert of Cailly were in the honour of St. Saens seems clear, partly for the reason given above, partly on account of the opposition between the words *rex* and *dominus*. From this time the king was to be the lord: hence the two fees appear later among the fees of Bray without being discriminated. Notice that as these and the three fees of St. Saens &c. are referred to under the bailiwick of the Roumois in 1203 (*Rot. Scacc. Norm.* ii. 551) they cannot possibly have been in the bailiwick of Exmes, as in the Red Book text.

¹⁵ Cf. *Rot. Scacc. Norm.* i. 59, 'de firma terrae Comitris Ricardi in Sancto Sidonio et in Osmunvilla.' Stapleton identifies the latter as Omonville sur Varenne, and probably means St. Martin-Omonville, which is also on the Varenne.

¹⁶ *Rot. Scacc. Norm.* i. 100.

abstract of the first charter in his description of the village of Staunton,¹ but hitherto the group has never been printed as a whole.² From internal evidence, the charters may with certainty be assigned to the decade 1190–1200, and thus possess exceptional interest as original manumissions of the twelfth century.

William de Staunton, by whom the first three of these charters were granted, was the son of Malger, and grandson of Geoffrey de Staunton, a benefactor to Rufford Abbey in the time of Stephen.³ In 1086 the manor of Staunton belonged to the fee of Walter d'Aincurt, but was granted by the latter's grandson Ralf, as 'the fee of two knights which Geoffrey de Staunton holds,' to William d'Albini I.,⁴ and thereafter consistently appears as held immediately of the lords of Belvoir. William de Staunton witnesses two charters preserved among the Belvoir muniments, both dating from the time of William d'Albini III.,⁵ and also a document extant in the seventeenth century, but now apparently lost, dated 'in the first year after the election of Simon de Langton to the archbishopric of York.'⁶ He must therefore have survived until 1216, but the exact date of his death is unknown, and his son and heir, Geoffrey, does not appear in any dated document until 1239.

The village of Alverton in which dwelt Hugh and John Travers, the subjects of these manumissions, was divided in 1086 between three lords. Part was sokeland of the manor of Staunton, another parcel was annexed to Hugh fitz Baldric's manor of Kilvington, a third part was sokeland of a manor in Sibthorpe, Nottinghamshire, held by a certain Earngrim of Ilbert de Lacy. These three estates can severally be identified in Alverton in the thirteenth century. Hugh fitz Baldric's manor had passed to the family of Morin, and was held by the Rannulf Morin who witnesses all the charters in the present series. The portion of the Lacy fee belonged in the early thirteenth century to the Ralf de Sancto Paulo who attests Charters I. to III.⁷ and lived until 1216; and there can therefore be no doubt that Hugh and John Travers, villeins of William de Staunton, were seated upon the land which had been sokeland of Staunton in 1086. This being the case, it certainly deserves note that, as entered in

¹ Thoroton, *History of Nottinghamshire*, ed. Throsby (1790), i. 307.

² A facsimile and translation of charters 2 and 4 are given in a recently published essay on the family of Staunton by G. W. Staunton and the present writer.

³ Thoroton, iii, 336, citing the Register of Rufford.

⁴ This appears from a fourteenth century copy of a charter of Ralf's grandson, Oliver d'Aincurt, preserved among the Staunton manuscripts. Several of the witnesses reappear in the Belvoir documents of the twelfth century calendared for the Historical Manuscripts Commission.

⁵ Hist. MSS. Comm., *Belvoir Report*, iv. 17, 124.

⁶ Cited by Thoroton i. 331.

⁷ He confirms to Belvoir priory two bovates in Thoroton, Nottinghamshire, sokeland of Sibthorpe in 1086, which his grandfather 'Ereingrim' gave (*Belvoir Report*, iv. 163). The Arnegrim who was undertenant in Domesday may be the man referred to.

Domesday, the whole population of this portion of Alverton consisted of sokemen.⁸ The existence upon the estate of men who were personally unfree before 1190 is good reason for assuming a depression of the local peasantry during the century which had elapsed since 1086, and this although the village of Alverton never became a manor after the classical model, and in the seventeenth century was still represented by suitors at the chief court of Staunton.

I. Omnibus Christi fidelibus ad quos presens scriptum pervenerit Willelmus de Stanton salutem. Noverit universitas vestra me Hugonem Travers qui pro me ibit in sanctam terram Ierusalem⁹ liberum hominem fecisse cum tota sequela sua, et ne quis heredum meorum decetero aliquid ab eo vel a suis possit exigere presentem cartam sigilli mei appositione roboravi. Hiis testibus Radulfo de Orlingberge,¹⁰ Roberto de Stokes,¹¹ Willelmo de Houkeswrtha,¹² Rannulfo Morin, Waltero de Hou,¹³ Ricardo de Stanton persona, Willelmo persona de Kilvingtona,¹⁴ Rogero persona de Elvestona,¹⁵ Radulfo de Sancto Paulo, Willelmo capellano de Bothlesford,¹⁶ Rogero cappellano (*sic*) de Elletona,¹⁷ Gilberto capellano de Thurkelestona,¹⁸ Roberto Ruffo, Gervasio clerico, et multis aliis.

[Parchment tag for seal.]

II. Omnibus has litteras visuris vel audituris Willelmus de Stanton salutem. Noveritis me caritatis intuitu et pro salute anime mee et antecessorum et successorum meorum liberum fecisse Hugonem Travers filium Simonis de Auvrington¹⁹ quia recepit crucem pro me, et quietum clamasse de me et heredibus meis ipsum et sequelam suam in perpetuum ex omni servitio terreno et exactione, et ipsum cum tota sequela sua concessisse Deo et ecclesie sancte Marie de Stanton. Quare volo et concedo quod ipse et sequela sua liberi permaneant sub protectione Dei et Sancte Marie et rectoris ecclesie de Stanton. Hiis testibus, Willelmo persona de Kilvingtona, Radulfo de Sancto Paulo, Waltero del Hou, Rannulfo Morin, Rogero persona de Elvestona, Willelmo de Alvrington, Henrico fratre suo, Roberto Russel, Willelmo Britone, Gervasio clerico, Waltero filio Gileberti.

[Blue and white woven cord for seal.]

III. Omnibus has litteras visuris vel audituris Willelmus de Stanton salutem. Noveritis me caritatis intuitu et pro salute anime mee, antecessorum et successorum meorum liberum fecisse Iohannem filium Simonis de Auvrington cum tota sequela sua, et quietum clamasse de me et heredibus

⁸ Sokeland in Alverton, Flawborough, and 'Dallintune' a lost village, is covered by a single entry which records a total population of twelve sokemen with three plough teams.

⁹ *Ierlm* in MS.

¹⁰ Orlingbury, Northamptonshire.

¹¹ East Stoke, Nottinghamshire

¹² Hawksworth, Nottinghamshire.

¹³ Holdingland in Flawborough, Nottinghamshire.

¹⁴ Kilvington, Nottinghamshire.

¹⁵ Elston, Nottinghamshire.

¹⁶ Bottesford, Leicestershire.

¹⁷ Elton, Nottinghamshire.

¹⁸ Thurcaston, Leicestershire.

¹⁹ Alverton, Nottinghamshire.

meis in perpetuum ex omni servitio terreno et exactione, et ipsum et sequelam suam concessisse Deo et ecclesie Sancte Marie de Stanton. Quare volo et concedo quod ipsi liberi permaneant in perpetuum sub protectione Dei et Sancte Marie et rectoris ecclesie de Stanton. Hiis testibus, Willelmo persona de Kilvington, Radulfo de Sancto Paulo, Waltero del Hou, Rannulfo Morin, Rogero persona de Elveston, Willelmo de Alvrington, Radulfo de Sancto Paulo, Henrico de Alvringtona, Roberto Ruffo,²⁰ Willelmo Britone, Gervasio clerico, Waltero filio Gileberti, Galfrido filio Roberti.

[Blue and white woven cord for seal.]

IV. Omnibus visuris vel audituris litteras istas Ricardus persona ecclesie de Stanton salutem in Domino. Noveritis quod ad petitionem Willelmi de Stanton advocati ecclesie de Stanton concessi Hugoni Travers duas bovatas terre in Alvrington cum pertinentiis suis, quas predictus Willelmus dedit Deo et ecclesie de Stanton. Habendum sibi et heredibus suis libere, quiete, hereditarie, et ipse Hugo et heredes sui reddent singulis annis mihi et successoribus nostris unam libram incensi et unam libram cumini pro omni servitio salvo forinseco. Et ego et successores mei reddemus Willelmo de Stanton et heredibus per annum ad natale pro eadem terra unam libram cummini, faciendo forinsecum servitium quod ad predictas duas bovatas pertinet. Et ne servitium predictum possit aliqua machinatione a predicto Willelmo et heredibus suis elongari vel detineri presenti scripto sigillum meum apposui. Hiis testibus, Willelmo persona de Kilvingtona, Rogero persona de Elvestona, Rannulfo Morin, Waltero de Flouberge, Roberto Ruffo, Willelmo de Alvrington, Henrico fratre suo, Gervasio clerico, Waltero filio Gileberti, Willelmo, Henrico, Ricardo de Botlesford capellanis.

[Seal of white wax suspended by silk cord, with a bird for device. Legend obliterated.]

The first of these charters clearly represents the emancipation of Hugh Travers previous to his starting on crusade, the second and fourth relate to his endowment upon his return, the third, which was obviously executed at the same time as the second, emancipates his brother John. From the evidence of the writing, combined with the personal names which occur in the documents, it is evident that the crusade of Richard I was the occasion of the grants, and the first charter may therefore be dated approximately 1190. As the manumission of a villein for the expressed purpose of going on crusade in his lord's stead it is highly probable that the first charter of the series is unique. In connexion with the endowment of Hugh Travers it should be noted that in the seventeenth century a fifth charter, now lost, was still preserved, which explained the position occupied in these transactions by the rector of Staunton. William de Staunton, it would appear from a surviving copy,²¹ granted to

²⁰ The equivalence of the Robertus Ruffus of this charter with the Robertus Russel of charter 2 deserves note.

²¹ Made by Thoroton.

Hugh Travers directly the two bovates mentioned in the fourth charter, on condition that he should render yearly the pound of incense and the pound of cummin to the rector of Staunton. The document further stipulates that the latter should render the pound of cummin to William de Staunton and his heirs, and adds the important statement that the land in question had formerly belonged to Simon of Alverton, Hugh Travers' father. Evidently, therefore, Hugh's endowment, in essence, was merely the conversion of a base into a free tenure. The family of which Hugh Travers was a member cannot be traced beyond Simon of Alverton, but in the thirteenth century they were prosperous people, and are found dealing by charter with land in a number of neighbouring villages. John, son of Simon, emancipated by the third document of the present series, is found in a charter of the early thirteenth century receiving land in Bingham, Nottinghamshire, and disappears from Alverton thenceforward, but the descendants of Hugh Travers in the male line continued in the latter village until the close of the fourteenth century. In a rental of the Staunton estate in the time of Henry VI the two bovates in Alverton were still held at a rent of a pound of incense and a pound of cummin, but they had passed from the Travers family to a certain Robert Brygford and Margaret his wife.

F. M. STENTON.

Customs Revenue of Edward II.

From the Lord Treasurer's Remembrancer's Enrolled Customs Accounts of the Reign.

THE duties to be levied on articles of import or export under Edward II followed the rates established in the previous reign. In 1275 Edward I obtained from parliament grants that may be considered the starting points of a new system. These grants were the right to levy 6s. 8d. on the sack of wool and 300 wool fells, and 13s. 4d. on the last of leather exported from the kingdom. The sack of wool contained twenty-six stone of fourteen pounds, and the last of leather contained twenty dickers or 200 hides in all. These duties were leviable from natives and foreigners alike. In 1303 Edward obtained from an assembly of foreign merchants in return for rights of trading wholesale throughout the towns of the kingdom, with exemption from local dues, and certain remissions of old customs and 'prises,' the right to levy a fresh set of duties from foreigners, and from foreigners only. It may be remarked by the way that these rights of free trading and these exemptions from local dues would involve violations of the rights of chartered towns and gilds merchants, for

which the Crown had been paid. The new duties, however, were as follows :

On the sack of wool and 300 wool fells 3*s.* 4*d.*

On the last of leather 6*s.* 8*d.*

Wax 2*s.* on the quintal (100 lbs.)

Cloth of grain pure scarlet 2*s.* a piece (*pannus*).

„ half grain 1*s.* 6*d.* a piece.

„ without grain 1*s.*

Wine 2*s.* a tun.

All other articles of 'avoirdupois' 3*d.* on the £1 value.¹

These new duties became known as the Nova or Parva Custuma, the old duties being distinguished as the Antiqua or Magna Custuma, the two sets forming the tonnage and poundage of later history. Under the scale of 1303 the foreign merchant would have to pay 10*s.* on the sack of wool and 300 wool fells, and 20*s.* on the sack of leather, the native merchants having only to pay 6*s.* 8*d.* and 13*s.* 4*d.* respectively.

During the reign of Edward II the two sets of dues were collected and accounted for by different sets of collectors, and the duty on wines by a third set. But the Crown by old custom was entitled to take from every vessel of from ten to twenty tons' burden a 'prise' of one cask of wine, and from every vessel of more than twenty tons' burden two casks of wine at a fixed rate, much below the market price, the wine then being resold for the king's benefit. Thus wine taken at 20*s.* might be resold for £2 5*s.* or the like.² But the yield of this Recta Prisa, as it was termed, was 'answered' by the chamberlain of London and Sandwich, and so does not appear in the accounts of the collectors of customs. Yet another exaction on wine to be noticed was that of the royal purveyors, who, buying at rates below the market price, took more wine than was needed for the royal household, and then resold the surplus at a profit. Still less did these petty profits figure in the customs accounts. They were part of the standing revenues of the royal household, and were entered in the Wardrobe Accounts. The Recta Prisa may be regarded as representing an original limited right of purveyance, sanctioned by time, and so acquiesced in by parliament. The later superadded unlimited purveyance was a gross extension and abuse, perpetually condemned by parliament.

The following tables show the returns year by year from each individual port, and the last one exhibits the total receipts for each year of the reign, leaving out the incomplete twentieth year. In both cases one has at times to face trouble caused by the hasty and

¹ The Carta Mercatoria, or charter embodying the agreement between the king and the foreign merchants is printed by Mr. H. Hall, *Customs Revenue*, i. 202.

² See Hall, ii. 96-99.

capricious manner in which collectors of customs were summarily dismissed at irregular times and others appointed in their places, making it almost impossible to array the totals exactly under the proper financial years from Michaelmas to Michaelmas, but I trust that for all practical purposes the figures will be found correct enough. The reader will see that the ports sending in returns are fifteen in number. Besides these we find Cornwall yielding about £1 a year, with trifling sums from Winchelsea, Rochester, Scarborough, Whitby, Barton-on-Humber, and Grimsby. Liverpool is not so much as mentioned, nor have I come across the name at all till the middle of the next, the fourteenth century.

Turning to the yearly tables the first thing that we have to notice is the suspension of the *Nova Custuma*, which disappears about the fifth or sixth year of the reign. This was due to the action of Thomas, earl of Lancaster, who induced parliament to forbid the collection on the plea, no doubt technically correct, that the impost had never received proper parliamentary sanction (6 October 1311),³ but as the duty was only levied from foreigners the objection was captious and merely dictated by a wish to annoy the king. It will be seen that, though the order for the suspension was issued in the fifth year of the reign (Michaelmas 1311-12), we have the duties accounted for in some ports under the fifth and sixth years. These would be accounts in arrear, as in fact most of the public accounts usually were. In the sixteenth year the returns from the *Nova Custuma* reappear. The king had got the better of his enemies, Lancaster had been defeated at Boroughbridge and put to death, and Parliament had declared the *Nova Custuma* a legal impost.

Under the twelfth and sixteenth years there are returns under the head of *Mutuum* or *Loan*. This was an extra duty on wool levied for a whole year, at the regular rates, to be treated as an advance to be allowed in future years. The incidents in connexion with the first of these grants signally illustrate the see-saw politics of the reign. The king, taking advantage of the absence of Lancaster from a grand council or parliament of magnates, had obtained a grant of a tax to this effect for the war against the Scots. Three weeks later the earl came back to court and the irregular tax had to be abandoned. But the king was not at the end of his resources; he held a meeting of native and foreign merchants and obtained from them the desired concession. In the sixteenth year the *Mutuum* reappears along with the *Parva Custuma*. In 1322, after the fall of Lancaster, the king again obtained from an assembly of merchants—foreigners only this time—leave to assess them for one year, with an extra duty on wool. It will be noticed that the *Custuma Vinorum* does not appear till the sixteenth year. I cannot account for this, as the impost

³ *Rot. Parl.* i. 282.

figured in the Customs Accounts of Edward I;⁴ nor can I explain the mysterious Subsidium which appears in the Hull accounts of the sixteenth year in addition to the Mutuum and the Antiqua Custuma.

Turning to the table of the year's totals the reader will observe the extraordinary fluctuations in the yield of the customs, rising in one year to £24,285, and sinking in another year to £6824. But the seeming mysteries can be easily explained. The £24,285 came in the year when the double duty was exacted; the financial years 9-11 were years of famine and pestilence; the lowest point of £6,324 was reached in the year of the civil war between the king and the confederate barons, beginning with the siege of Leeds in October 1321 and ending at Boroughbridge in March 1322. The strained relations with France and fears of invasion will account for the drop in the nineteenth year, 1325-1326.

JAMES H. RAMSAY.

CUSTOMS OF EDWARD II

BOSTON

Duties accounted for :

Year	Antiqua Custuma			Nova Custuma			Custuma Vinorum			Mutuum			Total		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
1	3,213	14	0	1,225	6	6							4,439	0	6
2	3,710	14	9	1,321	2	0							5,031	16	9
3	3,251	19	4	1,001	7	11							4,253	7	3
4	3,278	4	11	1,173	17	7							4,452	2	6
5	3,750	1	7	107	15	4							3,857	16	11
6	3,472	19	10										3,472	19	10
7	2,862	9	0										2,862	9	0
8	2,428	5	6										2,428	5	6
9	1,926	7	8										1,926	7	8
10	2,193	9	7										2,193	9	7
11	1,881	13	2										1,881	13	2
12	1,430	1	8							2,867	16	8	4,297	18	4
13	1,847	13	7										1,847	13	7
14	1,633	18	5										1,633	18	5
15	757	13	2										757	13	2
16	2,333	7	9	1,154	15	5	100	14	0	2,293	7	11	5,882	5	1
17	1,677	6	1	829	10	0	156	16	0				2,663	12	1
18	1,614	15	9	869	19	6							2,484	15	3
19	889	18	6	460	17	0							1,350	15	6

⁴ For these see my *Dawn of the Constitution*, p. 533.

BRISTOL

Duties accounted for :

Year	Antiqua Custuma	Nova Custuma	Custuma Vinorum	Mutuum	Total
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1	10 6 7	4 13 10			15 0 5
2	2 16 5				2 16 5
3	4 3 7	1 2 6			5 6 1
4	6 5 8	11 11			16 7 7
5	12 8	6 3			18 11
6	1 0 3				1 0 3
Years 7 to 9 want- ing					
10	7 8 6				7 8 6
11	12 7				12 7
12	¹ 7 10 4			6 2 0	13 12 4
13	¹ 4 16 8				4 16 8
14	¹ 36 18 6				36 18 6
15	28 2 8				28 2 8
16	48 5 6	36 15 11	151 15 0	16 13 8	253 10 1
17	1 0 8	6 1 2	62 14 0		69 15 10
18	1 11 0	6 17 9	63 11 0		71 19 9
19	2 0	5 0	48 0 0		48 7 0

: These three sums are all dated 1 May 12th year to Michaelmas 15.

CHICHESTER

Duties accounted for :

Year	Antiqua Custuma	Nova Custuma	Custuma Vinorum	Mutuum	Total
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1	105 0 1				105 0 1
2	116 6 10	1 4 6			117 11 4
3	227 10 5	1 8 4			228 18 9
4	170 7 0				170 7 0
5	179 0 10				179 0 10
6	151 14 0				151 14 0
7	109 7 3				109 7 3
8	64 18 8				64 18 8
9	76 0 8				76 0 8
10	66 9 11				66 9 11
11	77 15 3				77 15 3
12	49 4 9			82 3 11	131 18 8
13	149 0 6				149 0 6
14	183 17 1				183 17 1
15	133 1 1	1 15 10			134 16 11
16	164 8 2	9 1 10		497 8 8	670 18 8
17	89 9 0	4 15 10			94 4 10
18	182 5 2	9 0			182 14 2
19	¹ 83 19 9	1 7 4			85 7 1

: Half year only.

EXETER

Duties accounted for :

Year	Antiqua Custuma	Nova Custuma	Custuma Vinorum	Mutuum	Total
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1	46 19 10	1 9 4			48 9 2
2	59 2 1				59 2 1
3	78 17 10				78 17 10
4	36 10 9	11 0			37 1 9
5	49 19 6				49 19 6
6	46 18 8				46 18 8
7	35 7 3				35 7 3
8	16 12 10				16 12 10
9	39 5 2				39 5 2
10	12 16 10				12 16 10
11	29 12 1				29 12 1
12	3 6 10				3 6 10
13	29 1 11				29 1 11
14	87 6 11				87 6 11
15	52 12 2				52 12 2
16	47 1 11	29 5 7	45 6 0	32 12 3	154 5 9
17	10 10 2	2 16 9	7 12 0		20 18 11
18	3 17 2	4 16 9	2 3 0		10 16 11
19	1 8 6	1 2 19 0			3 7 6

1 May 19th year to Michaelmas 20th year.

HARTLEPOOL

Duties accounted for :

Year	Antiqua Custuma	Nova Custuma	Custuma Vinorum	Mutuum	Total
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1	127 15 8	13 7 8			141 3 4
2	92 10 11	14 19 1			107 10 0
3	107 12 11	4 6 10			111 19 9
4	106 1 9	1 6 4			107 8 1
5	91 0 6				91 0 6
6	83 10 10				83 10 10
7	89 15 3				89 15 3
8	66 18 0				66 18 0
9	51 11 8				51 11 8
10	67 9 3				67 9 3
11	5 15 5				5 15 5
12	1 12 7 3			5 14 9	18 2 0
13	25 10 2				25 10 2
14	65 12 4				65 12 4
15	10 0 6				10 0 6
16	32 2 5				32 2 5
17	1 36 12 8	1 3 2 9			39 15 5
18	82 16 6	19 9 5	2 0		102 7 11
19		5 7			5 7

1 January to Michaelmas only.

HAVERFORD

Duties accounted for :

Year	Antiqua Custuma	Nova Custuma	Custuma Vinorum	Mutuum	Total
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1	15 14 10	10 14 11			16 9 9
2	5 8 7	4 0			5 12 7
3	9 18 7				9 18 7
4	6 4 4				6 4 4
5	1 17 5				1 17 5
6	2 6 2				2 6 2
7	1 17 4				1 17 4
8	5 5 9				5 5 9
9	13 8 9				13 8 9
10	45 1 10				45 1 10
11	35 1 8				35 1 8
12	8 0 0				8 0 0
13	43 18 7				43 18 7
14	74 12 1				74 12 1
15	32 18 9				32 18 9
16	30 2 5			18 2 7	48 4 0
17	16 2 8	1 5 6			17 8 2
18	21 12 4		5 2 0		26 14 4
19	3 8				3 8

1 January to Michaelmas.

2 Half year only.

HULL

Duties accounted for :

Year	Antiqua Custuma	Nova Custuma	Custuma Vinorum	Mutuum	Total
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1	2,036 4 5	703 15 7			2,740 0 0
2	1,971 15 2	614 9 5			2,586 4 7
3	1,897 2 11	428 12 7			2,325 15 6
4	2,124 12 7	480 8 0			2,605 0 7
5	1,858 16 2				1,858 16 2
6	1,655 18 10				1,655 18 10
7	1,175 15 9				1,175 15 9
8	1,064 1 8				1,064 1 8
9	579 15 3				579 15 3
10	1,497 12 9				1,497 12 9
11	1,404 15 3				1,404 15 3
12	875 7 6			2,080 12 5	2,955 19 11
13	1,468 2 5				1,468 2 5
14	1,676 14 0				1,676 14 0
15	568 6 9	26 14 11			595 1 8
16	1,020 19 1	114 4 5	47 2 0	{ 397 0 5 } { 385 8 4 }	1,964 14 3
17	895 17 7	212 5 7			1,108 3 2
18	818 10 6	181 13 5	20 13 0		1,020 16 11
19	1,035 19 1	210 14 3			1,246 13 4

IPSWICH

Duties accounted for :

Year	Antiqua Custuma	Nova Custuma	Custuma Vinorum	Mutuum	Total
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1	312 7 6	78 9 7			390 17 1
2	362 5 10	80 5 10			442 11 8
3	226 7 3	14 18 7			241 5 10
4	330 10 9	101 13 8			432 4 5
5	153 0 2				153 0 2
6	163 17 3				163 17 3
7	300 4 5				300 4 5
8	128 8 4				128 8 4
9	67 3 0				67 3 0
10	84 12 7				84 12 7
11	67 5 7				67 5 7
12	105 3 1			91 14 10	196 17 11
13	188 18 0				188 18 0
14	¹ 187 6 6				187 6 6
15	² 35 1 9				35 1 9
16	160 7 6	73 18 3	31 10 0	161 9 10	427 5 7
17	57 11 0	47 2 10	17 19 0		122 12 10
18	127 5 7	16 9 11			143 15 6
19	49 8 3	24 8 4			73 16 7

¹ 22 November 14th year to 16 May 15th year.² 16 May 15th year to Michaelmas 16th year.

LONDON

Duties accounted for :

Year	Antiqua Custuma	Nova Custuma	Custuma Vinorum	Mutuum	Total
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1	¹ 2,912 9 0	¹ 851 4 1			3,763 13 1
2	4,634 8 5	1,508 16 10			6,143 5 3
3	4,048 14 2	698 0 9			4,746 14 11
4	4,670 19 1	1,358 2 0			6,029 1 1
5	4,914 13 2	64 14 7			4,979 7 9
6	5,382 15 7				5,382 15 7
7	4,755 19 7				4,755 19 7
8	5,854 0 3				5,854 0 3
9	3,447 18 7				3,447 18 7
10	3,940 17 5				3,940 17 5
11	3,911 3 10				3,911 3 10
12	3,272 8 10			5,697 9 0	8,969 17 10
13	4,767 12 2				4,767 12 2
14	4,272 10 8				4,272 10 8
15	3,302 0 4				3,302 0 4
16	3,798 9 3	1,169 13 8	555 17 0	4,763 6 11	10,287 6 10
17	4,334 8 11	1,485 13 1	19 13 0		5,839 15 0
18	4,306 19 3	1,549 6 4	155 3 0		6,011 8 7
19	3,477 1 5	1,341 0 6			4,818 1 11

¹ Half year only.

LYNN

Duties accounted for :

Year	Antiqua Custuma	Nova Custuma	Custuma Vinorum	Mutuum	Total
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1	470 13 0	128 15 6			599 8 6
2	316 16 1	¹ 5 12 8			322 8 9
3	278 15 6	12 18 7			291 14 1
4	319 15 8	70 4 4			390 0 0
5	377 11 11				377 11 11
6	150 18 4				150 18 4
7	50 19 10				50 19 10
8	135 6 3				135 6 3
9	69 10 6				69 10 6
10	95 7 1				95 7 1
11	102 9 3				102 9 3
12	92 17 0			86 10 3	179 7 3
13	66 10 7				66 10 7
14	103 3 4				103 3 4
15	158 6 0				158 6 0
16	164 4 0	102 0 5	8 0	115 8 4	382 0 9
17	133 14 7	107 19 0			241 13 7
18	170 16 5	87 18 2	3 8 0		262 2 7
19	² 40 12 2	² 72 1 8	2 15 0		115 8 10

¹ Seven weeks only.² Approximate sum: Totals given for 18 months:—Antiqua £60 18s. 3d. Nova £108 2s. 6d.

MELCOMBE

Duties accounted for :

Year	Antiqua Custuma	Nova Custuma	Custuma Vinorum	Mutuum	Total
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
8 ¹	² 57 18 8				57 18 8
9	² 57 18 8				57 18 8
10	77 4 5				77 4 5
11	158 7 6				158 7 6
12	22 5 3			84 10 3	106 15 6
13	95 7 11				95 7 11
14	76 4 4				76 4 4
15	73 5 11				73 5 11
16	17 15 0	13 10	39 10 0	15 19 6	73 18 4
17	71 0 11	3 15 7	30 19 0		105 15 6
18	80 11 8	14 9	15 4 0		96 10 5
19	23 10 9	1 8 0	7 12 0		32 10 9

¹ Years 1-7 missing.² Totals given for two years £115 17s. 4d.

NEWCASTLE

Duties accounted for :

Year	Antiqua Custuma	Nova Custuma	Custuma Vinorum	Mutuum	Total
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1	583 3 8	¹ 38 10 8			621 14 4
2	494 13 4	3 ¹ 2 4			530 15 8
3	417 15 6	26 16 6			444 12 0
4	337 14 7	36 13 5			373 18 0
5	365 15 2				365 15 2
6	209 8 2				209 8 2
7	365 19 1				365 19 1
8	130 3 4				130 3 4
9	174 12 0				174 12 0
10	71 10 11				71 10 11
11	103 19 9				103 19 9
12	38 13 7			64 10 0	103 3 7
13	163 5 1				163 5 1
14	152 14 8				152 14 8
15	68 14 5				68 14 5
16	134 15 7		4 0		134 19 7
17	241 16 10	35 5 10			277 2 8
18	252 9 1	24 6 3			276 15 4
19	440 9 2	21 9 10			461 9 0

¹ April to Michaelmas 1st year.

SANDWICH

Duties accounted for :

Year	Antiqua Custuma	Nova Custuma	Custuma Vinorum	Mutuum	Total
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1	126 17 10	87 15 0			214 12 10
2	¹ 113 9 11	¹ 80 14 0			194 3 11
3	45 8 7	18 3			46 6 10
4	¹ 73 16 6	¹ 85 0 2			158 16 8
5	48 16 0	² 8 5			49 4 5
6	46 9 3				46 9 3
7	48 19 1				48 19 1
8	60 19 5				60 19 5
9	39 17 10				39 17 10
10	66 0 6				66 0 6
11	61 6 3				61 6 3
12	57 1 5			104 7 9	161 9 2
13	63 0 0				63 0 0
14	65 14 6				65 14 6
15	65 14 2				65 14 2
16	79 13 3	178 11 5	³ 93 13 6	79 11 4	431 9 6
17	43 19 9	93 5 3	³ 93 13 6		230 18 6
18	62 3 9	41 14 3	² 41 1 0		144 19 0
19	⁴ 34 17 6	32 19 7			67 17 1

¹ Michaelmas to January.² Average taken from three sums 16th to 18th years.³ Ten days only.⁴ Michaelmas to May.

SOUTHAMPTON

Duties accounted for :

Year	Antiqua Custuma	Nova Custuma	Custuma Vinorum	Mutuum	Total
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1	851 7 5	181 8 6			1,032 15 11
2	3,096 2 11	465 14 0			3,561 16 11
3	952 0 9	77 15 8			1,029 16 5
4	957 3 1	170 17 10			1,128 0 11
5	920 13 9	4 10 10			925 4 7
6	849 7 8				849 7 8
7	768 2 4				768 2 4
8	637 18 0				637 18 0
9	472 15 7				472 15 7
10	966 10 5				966 10 5
11	1,074 8 2				1,074 8 2
12	990 19 7			1,261 8 10	2,252 8 5
13	1,448 14 11				1,448 14 11
14	1,455 3 7				1,455 3 7
15	905 5 10				905 5 10
16	1,235 19 3	235 8 3	181 13 0	1,398 5 6	3,051 6 2
17	686 6 10	164 6 3	75 9 0		926 2 1
18	633 0 0	106 9 0	41 5 0		780 14 0
19	248 2 7	55 11 4	20 0 0		323 13 11

YARMOUTH

Duties accounted for :

Year	Antiqua Custuma	Nova Custuma	Custuma Vinorum	Mutuum	Total
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1	245 4 6	60 15 9			306 0 3
2	66 7 3				66 7 3
3	232 6 3	15 3 10			247 10 1
4	231 0 8	112 3 8			343 4 4
5	204 1 11				204 1 11
6	101 11 8				101 11 8
7	160 0 7				160 0 7
8	129 11 11				129 11 11
9	86 1 0				86 1 0
10	138 16 10				138 16 10
11	258 8 8				258 8 8
12	262 8 9			277 17 6	540 6 3
13	258 16 9				258 16 9
14	242 2 4				242 2 4
15	104 14 8				104 14 8
16	175 11 7	85 14 8	53 0 0	176 10 8	490 16 11
17	145 0 0	64 8 9	17 16 0		227 4 9
18	132 11 11	28 3 1	6 14 0		167 9 0
19	82 8 5	30 13 1			113 1 6

TOTALS OF THE YEARS

Year						£	s.	d.
1	Michaelmas	1307-8	..	..	..	14,443	5	3
2	..	1308-9	..	..	..	19,172	3	2
3	..	1309-10	..	..	..	14,062	3	11
4	..	1310-1311	..	..	..	16,240	7	3
5 ¹	..	1311-1312	..	..	..	13,094	4	11
6	..	1312-1313	..	..	..	12,218	16	6
7	..	1313-1314	..	..	..	10,724	16	9
8	..	1314-1315	..	..	..	10,780	8	7
9	..	1315-1316	..	..	..	7,102	6	4
10	..	1316-1317	..	..	..	9,331	8	10
11	..	1317-1318	..	..	..	9,172	14	5
12	..	1318-1319	..	..	..	19,939	4	0
13	..	1319-1320	..	..	..	10,620	9	3
14	..	1320-1321	..	..	..	10,313	19	3
15 ²	..	1321-1322	..	..	..	6,324	8	11
16	..	1322-1323	..	..	..	24,285	3	11
17	..	1323-1324	..	..	..	11,985	3	4
18	..	1324-1325	..	..	..	11,783	19	8
19	..	1325-1326	..	..	..	8,741	9	3
20	..	Incomplete half year only.						

¹ Nova Custama suspended by order of parliament, 6 October 1311.

² Nova Custama again levied.

A Visitation of the Archdeaconry of Totnes in 1342.

THE important visitation of churches in Totnes archdeaconry here printed occurs on ff. 32 sq. of Harl. MS. 862, which a former owner has correctly characterised as *libellus formularum valde antiquus*. The volume was transcribed in the later fifteenth century from different episcopal registers, and contains, like all compilations of the kind, a great variety of documents. Though the scribe has taken considerable liberties with the original visitation *comperta*, these are small indeed compared with those taken by the transcriber of a similar document on ff. 176 sq. of Archbishop Morton's register at Lambeth. It will be seen that the former has generally omitted the place-names; but in those cases (with one exception, No. 18 in this text) he distinguishes each fresh parish by a definite paragraph-mark which I render here by an Arabic numeral. Within the limits of these paragraphs, again, he puts dashes to mark the transition from parochial to rectorial or vicarial responsibilities. In many cases it has been possible to supply the names from other indications; these I print in footnotes. Several more might no doubt be thus identified; but the result would hardly repay the very laborious search.

The visitation is, in the transcript, distinctly dated 1442; and I therefore kept it until Prebendary Hingeston-Randolph should have

completed his volume of institutions from Bishop Lacy's register. This book however proved to be of so little use that I very soon suspected some serious mistake of date, and was driven to try 1342, with other probable alternative years; but at first without any good result. Meanwhile the discrepancies between this document and the facts recorded in Lacy's register became more desperate at every step, until at last Joel of Kingsteignton supplied the necessary clue; and it soon became evident that the scribe's 1442 should really have been 1342.

The record is specially interesting for the frequency of a note which occurs only sporadically elsewhere; no fewer than seventeen books are condemned as 'of monastic use.' This term is best explained in Bishop Quivil's (or Quiuel's) words:

libros monasteriorum abiectos a parochialibus ecclesiis ipsis monasteriis appropriatos¹ [archidiaconi] abiiciant; qui cum non sint de communi usu, presbyteri et clerici per ipsos in ministeriis divinis errare coguntur; ac laici, eorum ignorantiam (quanquam inculpabilem) intuentes, eosdem tanquam fatuos incipiunt deridere.²

Eight of these condemned books were in impropriated churches; the remaining nine must either have been bought cheap by the rectors or (which is far less probable) copied from monastic archetypes.³

The present document may be compared with the following printed visitations, all of dean and chapter churches: Exeter (Stapeldon's Register, *passim*, and Grandisson's, pp. 570-9, 605-11); St. Paul's (Camden Society, New Series; *Archaeologia*, vol. lv., art. xiii.); Sarum (*Register of St. Osmund*, Rolls Series, i. 275 sq.); and York (*York Fabric Rolls*, Surtees Society, vol. xxxiv.). A Sarum parochial visitation of 1393 has been noticed in the second volume of the *Victoria History of Berkshire*, but in so fragmentary a form as to be practically useless. Another, of the archdeaconry of Norwich in 1363, is said to be in the Public Record Office (Misc. of Exch., K.R., vol. xxx.). Norman parallels, very instructive, may be found in the *Regestrum Visitationum Odonis Rigaldi*, ed. Bonnin, and the Cerisy Register (*Mém. de la Soc. des Antiq. de Normandie*, vol. xxx.). I must acknowledge very valuable assistance from the late Rev. Prebendary Hingeston-Randolph, whose unrivalled knowledge of the medieval diocese of Exeter has cleared up many doubtful points.

G. G. COULTON.

¹ *Sic*: the sense seems to require *appropriatis*.

² Wilkins's *Concilia*, ii. 151.

³ For the list of legal requirements for each church, see Quivil's *Constitutions*, cap. xii. (Wilkins, ii. 139).

Decanatus de Mortone.

1. MORTONE.⁴ Inquisicio facta ibidem quarto die Maii anno Domini millesimo ccc^o ⁵ quadragesimo secundo. Missale insufficiens omnino, sinodus ⁶ corrosus ⁷ et insufficiens, velum nuptiale et pallium mortuorum insufficiens, crismatorium sine serura, altare non est dedicatum, lucerna deficit, baptisterium inhonestum et sine serura. Iniunctum est parochianis quod omnes defectus supradicti emendentur seu reparentur citra proximam visitacionem domini Exoniensis episcopi ibidem faciendam sub pena xl solidorum, eo quod reparacio supradictorum defectuum ad eos pertinet.—Cancellus, libri matutinales, domus rectorie, clausure sanctuarii ⁸ ibidem et cetera ad rectorem loci pertinencia satis sunt pro statu beneficii, ut estimatur, competencia, grangia principali dumtaxat excepta, que iam est in corrigendo seu reparando. Et dominus Iohannes rector ibidem percepit pro defectibus a predecessore suo x marcas; quas quidem x marcas, et xx libras de suo, circa dictum cancellum, domus, et clausuras expendit,⁹ ut bona fide asseruit.

2. Northbouy.¹⁰ Inquisicio ibidem supradictis die et anno facta. Calix et missale deficiunt, eo quod fures ecclesiam loci fregerunt noviter nocturno tempore et dictam calicem et missale surripuerunt et asportaverunt. Ciphus pro infirmis ¹¹ deficit, unum par corporalium et velum quadragesimale deficiunt, graduale corrosus et male ligatum, psalterium parochianorum insufficiens, ordinale insufficiens, pixis ad eucharistiam stagnus et sine serrura, turribulum et vas ad incensum insufficiencia, ymago sancti loci inhonestus ¹² et male depictus, sinodus et summula de confessionibus corrosi ¹³ et insufficientes, baptisterium sine serura, crucifixus

⁴ Moreton-Hampstead: Philip de Vautard, rector from 1329 to 1362. In 1333 Master Philip de Vautard had licence of non-residence for a year, and forgiveness for having absented himself without leave during the past year [Grandisson's *Register*, 688. In the following notes figures in parentheses without further specification refer to this Register]. In 1355-6 the bishop intervened as arbiter in a quarrel between him and his parishioners; it was decided that he should in future neither claim mortuaries from tenants who owed no heriot to the lord, nor exact payments for churchings, marriages, or any sacraments (1176). The mention of *Iohannes* as rector a few lines lower down is evidently a clerical error: cf. *infra*, p. 119, note 75.

⁵ The MS. has *cccc*.

⁶ I.e. the book containing Quivil's *Synodal Constitutions*, of which each church was bound to preserve a copy. ⁷ *Sic*.

⁸ The *sanctuary* of these visitations is not the churchyard, but that part of the glebe which adjoined the parsonage, and was therefore naturally fenced in. In the dean and chapter visitations it seems to include the 'home farm,' or even the whole glebe (572, Shute; 574, Colyton; 576, Littleham; and 606, St. Veryan; cf. Brantyngham, p. 106, Morwenstow). Mr. Hingeston-Randolph informs me that the plot there described 'is still a distinct tenement—a small farm—and is still called "sanctuary."' In several parishes of North Devon part of the glebe-land is called the 'centeries' or 'sanctuaries.' ⁹ *Sic*.

¹⁰ North Bovey: Walter Pollard, rector 1334-49.

¹¹ This unusual article is thus described in Quivil's *Constitutions*: 'ciphus argenteus vel stanneus pro infirmis; ut, postquam eucharistiam assumpserint, loturam digitorum suorum sacerdos sibi praebeat in eodem.' It apparently marks one of the stages by which the laity were weaned from the consecrated wine, like the *vinum purum* of the almost contemporary Constitution of Archbishop Pecham: Wilkins, i. 52a. ¹² *Sic*. ¹³ *Sic*.

male depictus, maius altare stetit non dedicatum a multis annis retrofluxis nec adhuc dedicatum est. Iniunctum est parochianis loci quod omnes defectus supradicti emendentur seu reparentur citra proximam visitacionem domini sub pena xx solidorum, eo quod reparacio supradictorum defectuum ad eos pertinet. Et quia non procurarunt dominum ad dedicandum altare supradictum, noviter sunt puniti per eundem ut dicitur.—Defectus quorum reparacio pertinet ad Rectorem loci sunt hii : videlicet, fenestre vitree in cancello sunt fracte, legenda monialis : ¹⁴ qui quidem defectus, una cum ceteris defectibus in domibus rectorie et clausura sanctuarii imminetibus, vix possunt reparari cum x marcis. Magister Walterus rector ibidem vero percepit pro defectuum . . . ¹⁵

3. Maneton.¹⁶ Inquisicio facta ibidem quinto die Maii anno Domini supradicto. Synodus insufficiens, unum par vestimentorum debile, velum quadragesimale insufficiens, frontella ad omnia altaria preterquam ad maius altare deficiunt, psalterium parochianorum insufficiens, pixis ad eukaristiam corrusus et sine serura, asser ad pacem non est depictus, una fiola insufficiens. Sacramentarium inhonestum, campanella deferenda ad infirmos insufficiens, navis ecclesie male est cooperta. Iniunctum est parochianis quod supradicti defectus emendentur citra dictam visitacionem sub pena xx solidorum.—Non est ibi cancellus, cuius constructio ad Rectorem pertinet ut parochiani asserunt ; et, licet locus in quo maius altare consistit cancellus dici debeat, tamen est insufficiens et inhonestus pro cancello. Etsi dominus Philippus rector loci ad constructionem unius novi cancelli artari debeat, vix eundem construere potest competenter cum x libris. Omnes domus rectorie sunt pro statu beneficii competentes, excepta porta principali, que de novo competenter construitur, ut dictus rector asseruit ; et idem rector percepit a predecessore suo pro defectibus xl solidos.

4. Wydecomb.¹⁷ Inquisicio facta ibidem eodem die. Vestimenta ferialia debilia, parura pro tuellis ad maius altare insufficiens, missale male ligatum, manuale corrusum et male ligatum, pixis ad eukaristiam est de cupro et sine serura, turribulum insufficiens et male cathenatum, navis ecclesie male cooperta, ymago ¹⁸ male depicta. Iniunctum est parochianis quod supradicti defectus emendentur citra dictam visitacionem sub pena xl solidorum.—Cancellus ibidem est insufficiens obscurus et male coopertus, cuius reparacio pertinet ad decanum et capitulum Exonie Rectores ibidem ; qui quidem cancellus vix potest competenter refici seu de novo construi cum xx marcis.—Domus vicarie ibidem et clausura sanctuarii eiusdem aliquos patiuntur defectus qui vix possunt construi seu reparari cum xl solidis. Dominus Walterus vicarius ibidem.

5. Ilstington.¹⁹ Inquisicio ibidem facta vj^o die Maii anno Domini supradicto. Superpellicia et rochetum debilia, velum quadragesimale et pixis ad eukaristiam deficiunt, crux portabilis debilis et inhonesta.

¹⁴ For this very rare adjective in the sense of *monachilis* cf. Gower's *Vox Clamantis*, lib. iv. c. 13, rubric : *in habitu moniali*.

¹⁵ Blank.

¹⁶ Maneton : Philip de Nassyngtone, rector 1334–49.

¹⁷ Widdicombe : Walter de Blacchesworth, vicar 1334–49. Cf. *infra*, p. 113, note 36.

¹⁸ Each church was bound to have a decent image of its patron saint (*sandi loci*) and of the Virgin Mary.

¹⁹ Ilstington : Sir William de Doderigge, vicar 1342–48/9.

Baptisterium sine serura. Iniunctum est parochianis quod repararent defectus citra dictam visitacionem sub pena xx solidorum.

6. Istelegh.²⁰ Inquisicio facta ibidem eisdem die et anno. Rochetum debile, frontella ad maius altare deficiunt, preterquam ad maius altare, manuale corrosum et male ligatum, graduale corrosum, asser ad pacem male depictus. Iniunctum est parochianis quod huiusmodi defectus emendent²¹ sive repararent citra proximam visitacionem sub pena dimidie marce.—Legenda monialis, cancellus obscurus, fenestre vitree in eodem fracte, quorum defectuum reparacio pertinet ad rectorem, et Dominus . . .²² novus Rector ibidem nil percepit pro defectibus, Dominus tamen Iohannes de Blakedone immediate precessor²³ suus percepit xx marcas de predecessore²⁴ suo pro defectibus; qui quidem Dominus Iohannes tempore suo nil boni ibi fecit.

7. Southbouy.²⁵ Inquisicio facta ibidem eisdem die et anno. Ciphus pro infirmis insufficiens, unum superpellex²⁶ debile, velum nupciale deficit, vas ad incensum deficit, candalabrum²⁷ paschale deficit, ymagines sanctorum loci male depicte. Navis ecclesie male cooperta. Iniunctum est parochianis quod huiusmodi defectus repararent citra proximam visitacionem sub pena j marce.—Domus vicarie sunt aliquid competentes, et dominus Michael vicarius loci, noviter institutus et inductus, nil recepit a predecessore suo pro defectibus reparandis.

8. Heanock.²⁸ Inquisicio facta ibidem vij^o die Maii anno Domini supradicto. Una tuella ad maius altare deficit, superpellicia et rochetum debilia, velum nupciale deficit, omnia frontella ad quodlibet altare deficiunt, missale insufficiens, una fiola insufficiens, synodus insufficiens et defectivus, campanella deferenda ad infirmos sine tintinabile,²⁹ pixis ad eucharistiam sine serura, crismatorium sine serura, baptisterium sine serura. Iniunctum est parochianis sub pena j marce quod repararent omnes supradictos defectus citra proximam visitacionem etc.—Legenda corrosa, cancellus nimis obscurus et fenestre vitree in eodem fracte, et tempore pluvioso stillat per medium fenestre principalis super altare maius et super calicem dum missa celebratur, quorum defectuum reparacio spectat ad abbatem et conventum de Torre loci.³⁰—Domus vicarie, que satis est exilis, aliquid sunt competentes pro statu beneficii.

9. Eghwyk.³¹ Inquisicio facta ibidem eisdem die et anno. Patena calicis insufficiens, unum repositorium tuelle ad maius altare sine parura,

²⁰ Lustleigh: John de Blakedone, rector 1338; Nich. de Westone (in commendam), 1341; Rich. de Brankescombe, 1341–42/3. On 11 December 1341 Master Richard de Brankescombe received letters dimissory *ad omnes minores ordines*, and a dispensation for non-residence till the following Michaelmas, to study at Oxford (952).

²¹ Sic.

²² Blank.

²³ Sic.

²⁴ Sic.

²⁵ Bovey-Tracy: Michael Gogeyn, vicar 1341–48/9. After the visitation of his commissaries in 1334, the bishop complained that the churches of Bovey-Tracy and Morwenstow were reported to threaten ruin (*ruinis subiacent*) and that the hospital of St. John of Bridgewater (to which these churches were appropriated) was dealing uncanonically with the tithes and neglecting hospitality not only at Morwenstow but at Bridgewater (748).

²⁶ Henock: Richard Blanchard, vicar 1337–21 Nov. 1342.

²⁷ For *tintinnabulo*.

²⁸ rectores evidently omitted.

²⁹ Highweck, chapel to Kingsteignton: no institution recorded.

frontellum deficit, rochetum debile, velum quadragesimale insufficiens, velum nupciale deficit, missale insufficiens et defectivum, eo quod omnes epistole et evangelia ferialia deficiunt in eodem, gradale moniale, una fiola deficit et alia debilis, asser ad pacem male depictus. Iniunctum est parochianis sub pena j marce quod repararent omnes supradictos defectus citra proximam visitacionem.—Legenda corrosa, cancellus nimis obscurus et fenestre vitree in eodem fracte, antiphonarium corrosum et male ligatum et quasi per totum obscurum; reparacio omnium istorum defectuum, ut asseritur, pertinet prebendarium³² prebende de Teyngtone Regis, ad ecclesiam Sarum pertinentis.

10. Yeddeforde.³³ Inquisicio facta ibidem xxvij^o die Maii anno Domini supradicto. Calix est nimis modicus et clocitat,³⁴ missale est defectivum et moniale, tria sunt ibidem paria vestimentorum quorum duo sunt nimis debilia, troparium debile et male ligatum; candalabrum paschale, lucerna una, campanelle pro mortuis, deficiunt. Iniunctum est parochianis, qui sunt valde pauperes et pauci, quod huiusmodi defectus repararent citra proximam visitacionem sub pena x obolorum.—Domus Rectorie, cancellus, libri matutinales, clausure sanctuarii, et cetera ad rectorem loci pertinencia aliquid sunt competentes, excepto uno libro qui vocatur Capitularium collectarium et venitarium, qui est insufficiens, cuius reparacio seu invencio fieri potest, ut credo, cum x solidis. Dominus Iohannes rector ibidem quid percepit de³⁵ pro defectibus ignoro.

11. Teyngton Regis.³⁶ Inquisicio facta ibidem eisdem die et anno. Parura ad maius altare insufficiens, unum superpellex³⁷ debile, velum nupciale et omnia frontella preterquam ad maius altare deficiunt. Iniunctum est parochianis quod eosdem defectus repararent citra proximam visitacionem sub pena xl solidorum.—Domus vicarie paciuntur defectus, una cum clausuris sanctuarii, qui vix refici possunt cum x marcis. Dominus Ioelus vicarius ibidem nil percepit pro defectibus.

DECANATUS DE IPPLEPENNE.

12. Ipplepenne.³⁸ Inquisicio facta ibidem xxvij^o die Maii anno Domini supradicto. Ciphus pro infirmis insufficiens, superpellicia debilia, missale male ligatum et insufficiens in canone, ymagines beate Marie et sancti loci male depicte, ymago crucifixi male depicta. Iniunctum est parochianis quod omnes supradicti defectus emendarent sive reparentur citra proximam visitacionem domini Exoniensis episcopi ibidem faciendam sub pena xl solidorum.—Legenda male ligata et de usu moniali, antiphonarium defectivum, domus rectorie, licet sint competentes pro beneficio, tamen tempore istius novi rectoris una cum clausura sanctuarii multum sunt deteriorate; qui quidem defectus vix possunt refici cum x

³² Sic.

³³ Ideford: John Perour, rector 1335 6-42 3.

³⁴ 'Is rickety': Fr. *cloche*.

³⁵ Supply *predecessore suo*?

³⁶ Kingsteignton: Joel Hore, vicar 1336-59. Kingsteignton was appropriated to a prebend of Sarum Cathedral, and therefore not strictly in Moreton Deanery. Widdicombe, appropriated to the Exeter dean and chapter, was in like case: but it does not occur in the dean and chapter visitation reports of 1301-1331.

³⁷ Sic.

³⁸ Robert Clappysale, vicar 1340-50. On 2 Nov. 1340, Robert de Clappysale had licence of non-residence for a year that he might attend upon the king (929).

libris.—A tempore cuius contrarii memoria non existit usque ad tempus dicti rectoris, solebat ibi teneri et esse magna hospitalitas et bona, tam divitibus quam pauperibus, et multa alia bona solebant ibidem fieri de bonis ecclesie; que omnibus iam totaliter cessant et cessarunt per totum tempus eiusdem rectoris, quod clendum est.

13. Deuenebury.³⁹ Inquisicio facta ibidem supradictis die et anno. Missale nullius valoris, superpellicia debilia, psalterium parochianorum nullius valoris. Iniunctum est parochianis etc.—Defectus rectoris, viz. omnes libri matutinales insufficientes, et omnes domus rectorie ruinosae et insufficientes; qui quidem ⁴⁰ defectus, una cum defectibus imminetibus in clausura sanctuarii, vix possunt refici reparari seu de novo construi cum xl marcis. Novus tamen rector; et quid percepit pro defectibus ignoratur.

14. Hemyston Magna.⁴¹ Inquisicio facta ibidem eisdem die et anno. Turribulum male catenatum, crismatorium sine serura. Iniunctum est parochianis etc.—Defectus pertinentes ad Priorem et conventum de B.⁴² Rectores loci,⁴³ videlicet: legenda monialis, et una nova legenda competens de usu Sarum vix possit fieri cum v marcis.—Dominus Symon novus vicarius ibidem nil percepit pro defectibus. Omnes enim ⁴⁴ domus vicarie sue erant tempore inductionis sue ruinosae et debiles valde, quas pro parte competenter reparavit, set defectus iam in eisdem imminetibus vix possunt cum x marcis reparari.

15. Multi sunt defectus in domibus et clausuris vicarie loci qui vix possunt reparari cum x libris, novus enim vicarius, qui nil percepit pro defectibus.

16. Bryxham.⁴⁵ Inquisicio facta ibidem ij^o die mensis Iunii anno Domini supradicto. Turribulum inhonestum, navis ecclesie inhonesta nimis obscura et nimis stricta, omnia superpellicia preter unum, ordinale insufficiens corrosum et vetustate corruptum. Rochetum debile; una tuella ad maius altare, unum par corporalium cum repositoio, manuale, pixis ad oblatas, vas ad aquam benedictam, vas ad incensum, crux portabilis, deficiunt; crismatorium et baptisterium sine seruris. Iniunctum est parochianis quod omnes huiusmodi defectus emendent et repararent citra dictam visitacionem sub pena xx solidorum.—Legenda monialis et nimis obscura et male ligata, et an invencio seu reparacio huiusmodi libri pertineat ad rectorem vel vicarium nescitur ut dicitur.—Multi sunt ibidem defectus in domibus et clausuris sanctuarii vicarie, qui vix possunt cum xx libris reparari. Dominus Simon nunc vicarius loci stetit ibidem vicarius per xxij annos et pauca vel nil in reparacione dictarum domorum et clausurarum impendit, nil tamen percepit pro defectibus.

17.⁴⁶ Omnes libri matutinales deficiunt, celatura super maius altare

³⁹ Denbury: John de Stratton, vicar 1342–48.9. John's predecessor, Adam de Stratton, had similar licence, for the two years 1333–4, to attend upon the queen (709, 759).

⁴⁰ The MS. has *quidam* for *qui quidem*.

⁴¹ Broadhempston: Simon de Bradeleghe, vicar 1337–43.

⁴² Possibly R.

⁴³ Broadhempston was in fact appropriated to Studley Priory. The initials referring to religious houses have often been misread by the scribe.

⁴⁴ Sic. It is probable however that here, and in other places (e.g. sects. 18, 54) the scribe has misread a *tamen* in his original.

⁴⁵ Simon Stiria, vicar 1321/2–53.

⁴⁶ Churston-Ferrers: a chapelry, no institutions recorded. Besides Brixham,

deficit, cancellus ruinosus et obscurus nimis et fenestre vitree in eodem fracte. Quaere an isti defectus pertineant ad priorem et conventum Tottonie, loci rectores, vel ad parochianos predictos: est inter eos altercatio, expediret enim quod esset discussa.

18.⁴⁷ Inquisicio facta ibidem vij^o die Maii anno Domini supradicto. Ciphus pro infirmis deficit, frontenella ad maius altare et ad omnia alia altaria deficiunt, gradale moniale et male ligatum. Troparium insufficiens, pixis ad eukaristiam nimis parva et sine serura. Baptesterium non est coopertum [et sine serura ⁴⁸] nec seratum, una alba debilis, una tuella debilis, missale insufficiens et moniale, pixis ad eukaristiam nimis fracta et sine serura. Crismatorium ligneum, navis ecclesie nimis obscura et male cooperta, pallium mortuorum deficit. Iniunctum est parochianis quod emendent citra proximam visitacionem sub pena x solidorum.—Ympnarium collectarium et capitularium insufficiencia. Cancellus nimis obscurus; quorum defectuum reparacio ad Abbatem et conventum de B.⁴⁹ rectores loci pertinet, qui quidem defectus reparari possunt cum v marcis ut estimatur.—Dominus Robertus vicarius loci nil percepit pro defectibus; erant enim omnes domus vicarie sue, que est valde exilis, tempore institutionis sue debiles et ruinosae, quas idem vicarius reparavit competenter pro statu beneficii, aula et camera dumtaxat exceptis; ad quam quidem aulam et cameram de novo construendam que vix construi possunt cum c solidis.⁵⁰

19. Defectus rectoris loci, videlicet: legenda insufficiens, venitarium ympnarium collectarium capitularium insufficiens. Cancellus male coopertus. Qui quidem defectus vix refici possint competenter cum vij marcis.

20. Domus vicarie omnes pro statu beneficii sunt competentes, aula dumtaxat excepta, que indiget nova constructione et vix construi potest competenter cum quatuor libris vel centum solidis.

21. De novo vicarius ibidem percepit pro defectibus lx solidos.⁵¹

DECANATUS TOTTONIE.

22. Dupeforde.⁵² Inquisicio ibidem xxix^o die Maii anno Domini supradicto. Ymago sancti loci insufficiens et male depicta, ymago sancte Marie male depicta, cimiterium male clausum, superpellicia omnia debilia praeter unum, rochetum debile, ymago sancte Marie virginis,⁵³ in

Churston Ferrers is the only church in this deanery appropriated to Totnes. This was an alien priory, of which the bishop reported in 1339-40 'Prior non residet nec hospitalitatem tenet; quia ita sunt onerati ere alieno et prestacione Regia quod vix poterunt misere victitare' (58). Already in 1329 the bishop had complained 'super defectu et insufficiencia Librorum Matutinalium' in Totnes church (542: cf. Stapeldon, p. 390).

⁴⁷ Abbot's Kerswell: Robert de Fishacre, vicar 1320/1-47.

⁴⁸ Erased.

⁴⁹ The only church in this deanery appropriated to an abbey and held by a Robert is this, appropriated to Sherborne.

⁵⁰ Sic.

⁵¹ Although the scribe has distinguished this with a ¶ and written it with a wider margin, it may possibly form one with the preceding paragraph.

⁵² Diptford: John de Lynleye, rector 1329-42/3, Feb. 16.

⁵³ The Virgin was herself *sancta loci* here; the church is still traditionally called after her; but she must also have had a separate altar with another statue.

cuius honorem ecclesia dedicata existit, male depingitur; missale defectivum eo quod omnes epistole et evangelia ferialia deficiunt. Iniunctum est parochianis quod huiusmodi defectus emendentur citra proximam visitacionem domini episcopi sub pena xx solidorum.—Cancellus insufficiens, una fenestra in eodem sine vitro. Omnes domus rectorie insufficientes, camera principali dumtaxat excepta, qui quidem defectus una cum defectibus in clausura sanctuarii ad Rectorem loci pertinentes⁵⁴ vix possunt pro statu beneficii competenter reparari seu de novo construi cum xl libris. Dominus Iohannes Rector loci, nunc senex et valetudinarius, stetit ibidem rector longo tempore; qui suis temporibus pauca bona quoad reparacionem huiusmodi fecit; nil tamen recepit pro defectibus.

23. Omnes domus vicarie debiles et ruinosae, quae vix possunt una cum clausura sanctuarii reparari seu construi de novo cum xx libris. Dominus Iohannes Payne,⁵⁵ vicarius ibidem, nil recepit pro defectibus.

24. Dene.⁵⁶ Inquisicio ibidem facta eisdem die et anno. Vestimenta ferialia debilia, ymago beate Marie virginis caret una manu, crucifixus male depingitur et insufficiens, omnia superpellicia debilia, calix clocitat, ymages beate Marie et sancti loci male depicte, ecclesia male cooperta et fenestre vitree in eadem fracte. Iniunctum est parochianis quod omnes defectus emendent citra dictam visitacionem sub pena xl solidorum.—Legenda deficit et cancellus insufficiens et ruinosus; quorum quidem defectuum reparacio, ut asseritur, spectat ad priorem de C,⁵⁷ et vix possunt reparari cum xvj marcis. Dominus Simon, vicarius loci, percepit pro defectibus domorum et clausure j marcem.—Defectus in domibus et clausuris vicarie possunt refici, ut estimatur, cum ij marcis.

25. Legenda monialis et insufficiens. Antiphonarium nullius valoris. Capitularium, collectarium et ymptarium insufficientia et vetustate corrupta; quorum defectuum reparacio pertinet ad Abbatem et conventum de D.⁵⁸ rectores loci; vix possunt reparari cum c solidis.—Domus vicarie pro statu beneficii satis sunt competentes.

26. Cornworthe.⁵⁹ Inquisicio facta ibidem primo die mensis Iunii anno Domini supradicto. Unum repositorium nullius valoris, pixis ad eucharistiam est de cupro, maius altare non est dedicatum, ymago sancti loci male depicta et mutulata⁶⁰ manu; frontella ad maius altare, parura ad idem altare, et troparium deficiunt; pixis pro eucharistia, crismatorium, et baptisterium sine scruris. Iniunctum est parochianis, qui sunt valde pauperes, quod dicti defectus repararentur citra proximam visitacionem sub pena xx solidorum.—Domina priorissa et conventus ibidem rectrices sunt eiusdem ecclesie, quae construunt ibidem unum novum cancellum satis competentem.

27. Cancellus, domus rectorie, et cetera omnia ad rectorem pertinentia

⁵⁴ *Sic.*

⁵⁵ No John Payne is to be traced in this deanery.

⁵⁶ Dean-Prior: Simon Stibbe, vicar 1330/1–1345.

⁵⁷ Dene was appropriated to Plympton Priory.

⁵⁸ The *Abbatem* shows this to be either Townstal (Dartmouth) or Buckfastleigh; the itinerary seems to point rather to the former. There is similar evidence for the identification of several others.

⁵⁹ Cornworthy: no institution given.

⁶⁰ *Sic.*

satis sunt competencia pro statu beneficii, libris matutinalibus dumtaxat exceptis, qui sunt insufficientes. Idem rector ibidem habet unum scriptorem qui est in scribendo novos.

28. Holne.⁶¹ Inquisicio facta ibidem ultimo die mensis Maii anno Domini supradicto. Quoad ecclesiam et cancellum ecclesie, libros et vestimenta, domus et clausuras sanctuarii vicarie ibidem, per omnia bene, paucis que non sunt po[n]deranda dumtaxat exceptis.

DECANATUS DE WODELEGHE.

29. Ridmore.⁶² Inquisicio facta ibidem tercio die Augusti anno Domini supradicto. Parura ad maius altare et frontella ad idem deficiunt. Navis ecclesie nimis obscura et insufficiens et indiget nova constructione; parochiani tamen sunt pauperes valde et temporibus istis non habent unde construere valeant. Iniunctum tamen est eis quod dictos defectus emendent citra proximam visitacionem sub pena xl solidorum.—Dominus Robertus rector loci percepit pro defectibus ix marcas; et multa bona ibi tempore suo fecit in construendo domus novas et antiquas reparando, que satis sunt competentes pro statu beneficii, exceptis quibusdam defectibus qui possunt reparari cum ij marcis ut estimatur.

30. Bykebury.⁶³ Inquisicio facta ibidem nono decimo die Iulii anno Domini supradicto. Frontella ad omnia altaria deficiunt, unum superpellex debile, et cerei processionales deficiunt. Campanile ruinosum et male coopertum, manuale per se ⁶⁴ deficit; missale insufficiens et defectivum, eo quod epistole et evangelia ferialia deficiunt preterquam in adventu et in quadragesima. Cista ad libros et ad vestimenta insufficiens et sine serura; fenestre in navi ecclesie sine vitro, ordinale per se deficit. Iniunctum est parochianis etc.—Dominus Radulphus rector loci multa bona ibidem tempore suo fecit, eo quod construxit unum novum cancellum valde competentem, et dicte ecclesie de libris bonis matutinalibus providit, et plures domus in curia rectorie ac clausure utiles et necessarias ibidem construxit et fecit, et antiquas domus bene reparavit; et nil pro defectibus recepit.

31.⁶⁵ Defectus rectoris, videlicet: Cancellus ecclesie nimis obscurus, legenda corrosa et vetustate corrupta et sermones in eadem deficiunt, domus rectorie tempore domini Clementis iam rectoris ibidem multum sunt deteriorate; qui quidem defectus vix possunt pro statu beneficii competenter refici reparari seu de novo construi cum xl libris. Quantum percepit pro defectibus ignoratur.

32.⁶⁶ Dominus Robertus iam rector ibidem percepit pro defectibus lx

⁶¹ William de Dorsete, vicar 1340/1–50/1. Holne had lately (in 1329) been appropriated to the hospital of St. John at Exeter (510 &c.).

⁶² Ringmore: Robert de Doune, rector 1324–54/5.

⁶³ Bigbury: Ralph de Pridiaux, rector 1325–43. Ralph de Pridiaux in 1331 had leave of absence for a year to study (630).

⁶⁴ I.e. there was no *separate* manuale.

⁶⁵ Aveton-Giffard: Clement de Foliforde, rector 1331/2–49.

⁶⁶ Dodbrooke: Robert de Sidbury, rector 1338–48/9, 26 Jan. There was no other rector in this deanery named Robert; in this way several more can be identified. Robert de Sidbury, in 1339, had licence of non-residence for a year, and pardon for not having yet resided since his institution (917).

solidos et nil ibidem novum fecit vel circa clausuram sanctuarii vel reparacionem cancelli seu domorum rectorie expendidit. Cancellus tamen et domus rectorie pro statu beneficii aequaliter sunt competentes.

33. Domus vicarie una cum clausura eiusdem satis sunt competentes.

34. Legenda per se deficit; cuius defectus emendacio, una cum defectibus existentibus in domibus et clausuris rectorie, pertinet ad magistrum Thomam rectorem loci; que vix fieri possunt cum xx marcis.

35. Defectus rectoris, videlicet: cancellus insufficiens, omnes libri matutinales insufficientes, legenda per se deficit; omnes domus rectorie debiles et insufficientes pro statu beneficii, duabus cameris exceptis, quarum altera ordinatur pro aula; coquina deficit; clausura curie et sanctuarii quasi totaliter destructa. Et . . .⁶⁷ rector loci percepit pro defectibus duodecim marcas; qui toto tempore suo nil boni ibi fecit; qui quidem defectus vix possunt reparari seu de novo construi competenter pro statu beneficii cum c marcis.

36. Defectus domorum vicarie ibidem: nimis sunt viles, insufficientes, et ruinosae, una grangia dumtaxat excepta, qui quidem defectus satis sunt noti domino Episcopo.

DECANATUS DE PLYMTON.

37. Woton.⁶⁸ Inquisicio facta ibidem xvij^o die Iulii anno Domini supradicto. Crux portabilis insufficiens, campane maiores existentes in campanili insufficientes, hercia ad tenebras nullius valoris, ecclesia non est dedicata, missale sine nota, frontella ad maius altare et parura deficiunt. Iniunctum est parochianis etc.—Domus rectorie et clausura sanctuarii satis sunt competentes ut estimatur; magister Henricus rector loci nil percepit pro defectibus. Construxit tamen ibidem cancellum novum valde competentem et decentem, duas cameras competentes et bonas, unam videlicet pro rectore et aliam pro hospitibus, et ceteras domus omnes, (aula et grangia que satis sunt competentes dumtaxat exceptis,) et multa bona ibi fecit.

38. Modbury.⁶⁹ Inquisicio ibidem facta quinto die Augusti anno Domini supradicto: bene per omnia.

39. Domus rectorie, tempore domini Willelmi iam rectoris ibidem, multum meliorate sunt; quid percepit pro defectibus ignoratur.

40.⁷⁰ Defectus in domibus rectorie et clausura sanctuarii possunt refici ut estimatur cum v marcis. Dominus David, rector loci, nil percepit pro defectibus: ecclesia modica et exilis.

41. Legenda monialis corrosa et vetustate corrupta, et ceteri defectus

⁶⁷ Blank.

⁶⁸ Newton Ferrers: Henry de Nywetone, rector 1317/8-1342/3. Henry de Nywetone was commissioned as episcopal penitentiary in 1328, and had a year's leave of non-residence in 1331 (407, 618).

⁶⁹ Robert —, vicar 1333-43. Grandisson's register, p. 829 (A.D. 1336) records a very curious case of aggression by some parishioners of Modbury against the prior and convent, who were rectors. The former had avenged some offence by burying their corpses in that part of the churchyard which stood under the priory windows, thus wilfully corrupting the monks' air.

⁷⁰ Harford: David de Penyles, rector 1308-(?). It looks as though David had been a pluralist, holding Ashburton also: in that case, he died in 1348/9 (1370).

in domibus rectorie et clausura sanctuarii imminentes vix possunt refici cum x libris.

42.⁷¹ Domus rectorie, cancellus, et cetera omnia quorum reparacio ad dominum Rectorem eiusdem loci pro medietate satis ⁷² sunt competencia.—Domus vero vicarie et clausura eiusdem pro statu beneficii aliquid sunt competencia. Supradictus rector percepit pro defectibus x marcas, quam quidem pecunie summam una cum x marcis de suo circa constructionem novi cancelli ibidem expendidit, ut dixit.

43. Domus vicarie ⁷³ non sunt competentes pro statu beneficii, que vix possunt reparari seu de novo construi cum xx marcis. Novus vicarius, et nil percepit pro defectibus.

DECANATUS DE TAMERTON.

44. Inquisicio facta ibidem ⁷⁴ viij^o die Augusti. Ecclesia non est dedicata, nec maius altare; una tuella ad maius altare debilis. Synodus est combustus, corporalia immunda, patena pro calice debilis et fracta, unum superpellex debile, ecclesia insufficiens et ruinosus et indiget nova constructione, pixis pro eucharistia est de ligno, feretrum mortuorum deficit. Iniunctum est parochianis etc.—Domus rectorie debiles valde et ruinosae, et nulla est clausura circa domus nec sanctuarium; qui quidem defectus vix possunt reparari cum xx marcis. Dominus Willelmus de Carse, novus rector ibidem, nil adhuc percepit pro defectibus nec percipere potest, eo quod bona predecessoris sui remanent penes tales de Cornubia qui sunt sine consciencia; ecclesia exilis.

45.⁷⁵ Libri matutinales insufficientes et debiles, cancellus insufficiens et indiget nova constructione; quorum defectuum constructio seu reparacio pertinet ad abbatem et conventum de B. rectores loci, ut asseritur; que vix fieri potest cum xxv marcis.—Domus vicarie aliquid sunt competentes pro statu beneficii, set defectus qui imminet in eisdem et clausuris sanctuarii vix possunt reparari cum v marcis, ut estimatur. Dominus Iohannes vicarius ibidem nil percepit pro defectibus.

46. Gyr.⁷⁶ Inquisicio facta ibidem eisdem die et anno: bene ibidem per omnia, una grangia dumtaxat excepta, ad quam competenter construendam parata est materia sufficiens.

47. Domus rectorie satis sunt competentes.

48.⁷⁷ Cancellus nimis obscurus, cuius defectus reparacio pertinet ad

⁷¹ Ermington: Henry de Itchentone, rector 1329–49. One mediety of Ermington was a rectory, the other a vicarage appropriated to the priory of Montacute. Henry Itchentone received licence of non-residence for six months in 1330/1 (601); again in 1331 for a year, to wait on the lady Catherine de Montacute (636); for another year in 1332 to wait on Lord William de Montacute (657); he had the same licence for the same cause again in 1333 (711); and in 1334, a two-years' licence for the same cause (764).

⁷² Perhaps for *pro medietate spectant, satis, &c.*

⁷³ Ermington vicarage, no recorded institution.

⁷⁴ Mary-Tavy: William Carse, rector 1341–49.

⁷⁵ Walkhampton (?): Jordan de Trevelyn, vicar 1334–49. The *Abbatem* seems to point clearly to Walkhampton, and the scribe may easily have misread *Iordanes* into *Iohannes*.

⁷⁶ Byr, i.e. Bere-Ferrers: Walter de Godamewy, rector 1334/5–49.

⁷⁷ Buckland Monachorum: Robert de Balraven, rector 1334–49.

Abbatem et Conventum de C. rectores loci ; que vix fieri potest cum v marcis.—Domus vicarie sunt competenter pro statu beneficii reparate per dominum Robertum nunc vicarium loci, qui percepit pro defectibus xl solidos et duo quarteria avenarum.

49. Omnes libri matutinales deficiunt, quorum invencio seu reparacio pertinet ad priorem et conventum de C. rectores loci ; que vix fieri potest cum c solidis.—Domus vicarie, que satis est exilis, aliquid sunt competentes pro statu beneficii ; set tamen defectus in eisdem existunt qui vix refici possunt cum xxx solidis.

50. Dominus Iohannes rector loci multa bona ibi fecit et nil percepit pro defectibus.

51. Omnes libri matutinales insufficientes et nullius valoris, quorum invencio seu reparacio pertinet ad priorem et conventum de C. rectores loci ; que vix fieri potest cum vi marcis.—Domus vicarie, que satis est modica et exilis, debiles ; quarum reparacio vix fieri potest cum v marcis.

DECANATUS DE TAVYSTOKE.

52.⁷⁸ Celatura super maius altare deficit, omnes libri matutinales deficiunt, excepto uno portiforio quod nimis est debile, corrosus, et male ligatum et obscurum, et litera est nimis tenuis. Vicarius et ministri ecclesie non possunt tempore pluvioso in cancello et loco consueto horas canonicas celebrare, eo quod idem cancellus super dictum locum non est coopertus. Istorum defectuum reparacio pertinet ad Abbatem et Conventum de Tavistoke rectores loci, que vix fieri potest cum c solidis.—Dominus R., vicarius loci, tempore suo defectus domorum vicarie et clausure eiusdem reparavit aliquid, set defectus reparandi vix possunt reparari cum lx solidis, ut estimatur ; nil percepit pro defectibus.

53. Lamerton.⁷⁹ Inquisicio facta ibidem quinto die mensis Iulii anno Domini supradicto. Antiphonarium corrosus, vestimenta ferialia nimis debilia, campanella deferenda ad infirmos insufficiens, una campanella pro mortuis sine tintinabili, lucerna et boeta⁸⁰ deficiunt, una campanella ad levacionem corporis Christi deficit. Synodus falsus et defectivus ; missale defectivum, eo quod epistole et evangelia in estate deficiunt ; fenestre in navi ecclesie sine vitro⁸¹ ; hercia ad tenebras et cerei processionales deficiunt. Iniunctum est parochianis etc.—Omnes libri matutinales deficiunt, celatura super maius altare deficit, et fenestre vitree in cancello fracte et sine vitro pro maiori parte. Istorum defectuum reparacio pertinet ad Abbatem et Conventum de C.⁸² que vix fieri potest cum x libris.—In domibus vicarie et clausura sanctuarii sunt multi defectus, eo quod sunt debiles. Dominus Iohannes vicarius ibidem nil percepit pro defectibus.

54.⁸³ Legenda de usu monialium. Est tamen unum portiforium plenarium ibidem, cuius litera per totum est nimis tenuis et difficilis ad legendum. Domus enim⁸⁴ rectorie sunt pro statu beneficii aliquid

⁷⁸ Tavistock : Robert Bolyer, vicar 1318–49.

⁷⁹ Richard Doney, vicar 1336–49.

⁸⁰ The *boeta* was the second lantern required by Quivil's constitutions.

⁸¹ *sive fracte* cancelled.

⁸² Or *O*.

⁸³ Stowford : Roger de Tregowidyan, rector 1341–49.

⁸⁴ *Sic*.

competentes. Defectus vero in domibus his et in libris matutinalibus vix possunt reparari cum iiij libris. Dominus Rogerus rector loci nil percepit pro defectibus.

55. Dominus H. rector ibidem nil percepit pro defectibus, set tamen tempore suo multa bona ibi fecit; defectus vero reparandi in domibus et clausuris sanctuarii possunt reparari ut estimatur cum l solidis.

56. Dominus Adam rector loci⁸⁵ nil percepit pro defectibus. Domus enim rectorie et cancellus ecclesie satis sunt competentes pro statu beneficii, excepta una grangia que totaliter deficit; que quidem grangia et reparacio unius legende ibidem (que est monialis et vetustate corrupta) vix competenter fieri seu construi possunt sum xxiiij marcis.

57. Cancellus ecclesie est insufficiens, antiphonarium debile; qui quidem cancellus et antiphonarium una cum ceteris defectibus in domibus rectorie et clausura sanctuarii eiusdem vix possunt reparari seu de novo construi cum xx libris.—Dominus Willelmus rector loci nil percepit pro defectibus.

58. Cancellus insufficiens, ruinosus, et male coopertus; qui quidem cancellus, una cum defectibus in domibus rectorie et clausuris eiusdem, vix possunt competenter pro statu beneficii reparari seu de novo construi cum xx libris.—Dominus . . .⁸⁶ rector loci percepit pro defectibus x marcas.

59. Cancellus insufficiens; libri matutinales antiqui, corrosi, et litera in pluribus partibus deleta propter usum magnum. Domus rectorie male cooperte et similiter alium patiuntur defectum; qui quidem defectus in cancello libris et domibus vix possunt reparari cum xx libris. Novus rector et eciam exilis, qui nil percepit pro defectibus ut dicit.

60. Omnes libri matutinales insufficientes; cancellus insufficiens, ruinosus, et male coopertus; qui quidem defectus pertinent ad priorem et conventum de I. rectores eiusdem loci seu vicarium; qui quidem defectus vix possunt reparari cum xx libris. Quatenus concernit domus vicarie, bene per omnia.

61. Defectus Domini Adam rectoris,⁸⁷ videlicet: fenestra in cancello sine vitro; libri matutinales debiles, qui sunt in reparando; domus et clausura rectorie debiles; qui quidem⁸⁸ defectus vix possunt reparari cum c solidis. Ecclesia exilis valde, et Rector nil percepit pro defectibus.

62. Defectus in domibus Rectorie et in clausura sanctuarii satis sunt noti Domino Episcopo, et ideo quatenus concernit huiusmodi defectus nil scribo.

63. Dominus Augustinus, rector loci,⁸⁹ nil percepit pro defectibus, multum tamen ibidem laboravit tempore suo in novis domibus et clausura sanctuarii construendis, faciendis, et antiquis que nimis debiles erant et ruinose reficiendis; et de diebus in dies construit et reparat.

DECANATUS DE HALLESWORTH.

64. Essewater.⁹⁰ Inquisicio facta ibidem viij^o die Iulii anno Domini supradicto. Gradale de usu moniali, crux portabilis insufficiens, unum

⁸⁵ Lifton or Dunterton.

⁸⁶ Blank.

⁸⁷ Dunterton or Lifton.

⁸⁸ MS. *quidam*.

⁸⁹ Lydford: Augustine de Botercombe, rector 1332-49.

⁹⁰ Ashwater: Richard Giffard, vicar 1332.3-61. R. Giffard's predecessor, Sir

repositorium nil valet, ymago beate Marie virginis male depicta ; missale debile, set erat unum bonum missale quod erat noviter furtive surreptum ; unum par corporalium cum repositoio deficit ; missale deficit, eo quod fuit furtive surreptum. Iniunctum est parochianis etc. Defectus in domibus rectorie si qui sint satis sunt noti Domino Episcopo.

65. Cancelli insufficiens, et fenestre vitree in eodem fracte ; cuius cancelli reparacio seu constructio pertinet ad priorem et conventum de B. rectores ibidem ; que vix potest competenter construi de novo cum xx marcis.

66. Domus vicarie, que valde est exilis et modica, quarum defectus una cum defectibus clausure vix possunt reparari cum xl solidis. Et dominus vicarius loci nil percepit pro defectibus.

67. Domus rectorie aliquid competentes, set defectus in eisdem una cum clausuris sanctuarii possunt reparari, ut estimatur, cum x marcis.

68. Dominus Iohannes rector loci percepit pro defectibus xl solidos ; qui construxit ibi unum novum cancellum competentem et unam novam grangiam pro statu beneficii competentem. Cetera domus rectorie non sunt pro statu beneficii competentes, set idem rector est in proposito, prout constanter asserit, de novo competenter construere ; que quidem constructio vix fieri potest cum xx libris.

69.⁹¹ Legenda corrosa et vetustate corrupta, ⁹²psalterium Rectoris insufficiens ; capitularium collectarium ymnarium corrosa obscura et vetustate corrupta ; cancellus insufficiens et nimis obscurus ; quorum defectuum reparacio pertinet ut dicitur ad Abbatem et conventum de Torre, rectores loci ; que vix competenter fieri potest cum xx libris.— Domus [et] clausura vicarie sunt aliquid competentes pro statu beneficii ; set defectus in eisdem imminentes possunt reparari, ut estimatur, cum xl solidis.—Vicarius nunc ibidem nil percepit pro defectibus.

70. Quoad cetera rectorem concernencia per omnia bene, et rector nil percepit pro defectibus.

71. Quoad rectorem, per omnia bene ; excepto cancello, qui est insufficiens ; cuius constructio et reparacio pertinet ad eundem rectorem et constructur de novo, ut asseritur.

72. Cancellus est in construendo de novo. Domus rectorie et clausura sanctuarii debiles et insufficientes nimis ; quarum reparacio seu constructio vix fieri potest cum xl libris.

73. Quoad cetera rectorem concernencia, per omnia bene ; coquina dumtaxat excepta, que iam patitur fuinam ; quam quidem coquinam dominus Rector loci, ut asseruit, construet competenter citra festum beati Michaelis proximum futurum, et nil percepit pro defectibus.

74. Capella ⁹³ est dependens a matrice ecclesia de Milton Damarle ;

William de Westbury, was also a priest-vicar at Wells, and seems therefore to have resided little from 1327 to 1331 (401, 527, 582). In 1332, Robert Hereward, Archdeacon of Taunton and canon of Exeter, attempted to force into this living, now vacant, a *protégé* of doubtful character ; Hereward is accused of terrorising the official of Totnes archdeaconry, and the clerical witnesses. The bishop resisted and presently collated by lapse this Richard Giffard (675). In 1334, the bishop commissioned him to sit in judgment on an important legal case (738) ; next year, he gave him licence to elect his own confessor, but revoked this the same day as having been granted *improvident*.

⁹² *sp* erased.

⁹³ Cokeworthy : chapelry, no institution recorded.

et an invencio librorum matutinalium pertineat ad Rectorem vel parochianos nescitur.

75. Cancellus insufficiens et antiphonarium debile; et omnes domus rectorie debiles, camera principali dumtaxat excepta; qui quidem defectus vix possunt reparari vel construi cum xl marcis. Et rector nil percepit pro defectibus.

76. Legenda monialis; et omnes domus rectorie, una cum clausura sanctuarii, debiles; que vix reparari seu de novo construi possunt competenter pro statu beneficii cum xl libris.

77. Domus rectorie, una cum clausura sanctuarii, sunt pro statu beneficii aequaliter competentes; set defectus ibidem iam imminentes possunt reparari cum xl solidis.—Rector de bonis predecessoris sui percepit pro defectibus res estimacionis xxx solidorum. Novus rector, et ecclesia exilis.

DECANATUS DE OKAMPTON.

78. Beworthe.⁹⁴ Inquisicio facta ibidem xxij^o die Maii anno Domini supradicto. Navis ecclesie nimis obscura et sine fenestris. Calix et pixis pro eukaristia deficiunt, eo quod noviter erant furtive surrepta. Ymago sancti loci male depicta et caret manibus; navis ecclesie ruinosa in tecto per totum; navis ecclesie totaliter ruinosa. Iniunctum est parochianis quod huiusmodi defectus emendent citra proximam visitacionem sub pena j marce.—Legenda debilis, et est una nova in scribendo. Antiphonarium debile, et ceteri defectus in cancello et domibus rectorie vix possunt refici cum iiii libris. Et dominus Iohannes rector loci percepit pro defectibus xx solidos; ecclesia exilis.

79. Omnes domus rectorie insufficientes, quarum reparacio seu constructio una cum clausura eiusdem rectorie et sanctuarii vix fieri potest cum xl libris et Dominus . . .⁹⁵ rector loci percepit pro defectibus x marcas. Novus rector.

80. Sunt quidam defectus in domibus rectorie qui vix possunt refici cum xl solidis. Dominus Iohannes rector ibidem nil percepit pro defectibus.

81. Cancellus ruinosus et insufficiens; fenestre in eodem sine vitro, legenda et antiphonarium nullius valoris, capitularium collectarium et ympnarium insufficientia; et domus rectorie sunt multum deteriorate, et similiter clausura sanctuarii multum deterioratur tempore domini Iohannis rectoris ibidem; qui quidem defectus vix possunt reparari seu de novo construi cum xx marcis.

82. Domus rectorie et clausura sanctuarii satis sunt competentes.

83. Legenda monialis et insufficiens et vetustate corrupta, et ceteri libri matutinales debiles et insufficientes; cancellus male coopertus; qui quidem defectus vix possunt reparari cum c solidis; prior et conventus de C.⁹⁶ rectores sunt ibidem.

84. Cancellus non est competens, set omnes domus rectorie satis sunt competentes pro statu beneficii.

85. Omnes libri matutinales insufficientes, et cancellus ruinosus, et omnes domus rectorie ruinosae et insufficientes; qui quidem defectus ad rectorem pertinentes vix possunt refici cum xx marcis.

⁹⁴ Beaworthy: John Laveriche, rector 1323–49.

⁹⁵ Blank.

⁹⁶ Or O.

86. Antiphonarium de usu moniali, legenda corrosa et de usu moniali, cancellus nimis obscurus et insufficiens, et sunt defectus in domibus et clausura sanctuarii; qui quidem defectus, una cum defectibus librorum et cancelli predicti, quorum defectuum reparatio pertinet ad rectorem, vix possunt reparari cum xx marcis. Et dominus Henricus rector ibidem recepit pro defectibus ix marcas.

87.⁹⁷ Legenda deficit, fenestre in cancello sine vitro; quorum defectuum reparatio seu invencio pertinet ad Abbatem et conventum de C. rectores loci; qui vix reparari possunt cum x marcis.

88. Quoad cancellum, libros matutinales, domus, et clausuram rectorie, per omnia bene.

89. Legenda temporalis corrosa et male ligata, legenda sanctorum insufficiens et defectiva, spalterium rectoris deficit, cancellus insufficiens et obscurus; quorum reparatio ad priorem et conventum de S. rectores loci pertinet; vix possunt reparari cum xx libris.—Domus vicarie sunt viles et insufficientes, que vix possunt reparari cum x libris.

90. Brodwode.⁹⁸ Inquisicio facta ibidem die veneris proximo post festum nativitatis beate Marie; bene ibidem per omnia, excepto quod crismatorium est sine serura.

Two Bulls of Boniface IX for the Abbot of St. Osyth.

In 1397 Boniface IX granted to the abbot of St. Osyth, in Essex, and his successors the right to use the mitre and other *pontificalia*, and, when so vested, to give the solemn blessing.¹ This grant is worth notice because it shows that the abbot was not necessarily a bishop. Three years later another privilege was granted to the abbot and his successors by the same pope—that of conferring on their professed canons all orders, not only those known as minor, but also the subdiaconate, the diaconate, and the priesthood,²—a very remarkable grant which was discovered by Mr. Twemlow in the Vatican archives and entered by him in the *Calendar of Papal Letters*. In 1403 both these privileges were cancelled at the request of the bishop of London, Robert Braybrook, who was at once the ordinary and the patron of the abbey;³ but nine years later the use of *pontificalia* was regranted by John XXIII.⁴

There was nothing uncommon in the grant of *pontificalia*. At the time of the dissolution the English black canons had at least eight abbots and four priors who were mitred. The privilege too of conferring some or all of the minor orders was by no means extraordinary, though it was granted less freely than the mitre.

⁹⁷ Hatherleigh: Paschasius de Coliforde, vicar 1340.

⁹⁸ Broadwood-Kelly: Robert Bonde, rector in 1332; died 1347.

¹ Lateran Reg. xlv. f. 192 d; *Cal. of Papal Letters*, v. 21.

² Lat. Reg. lxxxi. f. 264 d; *Cal. of Papal Letters*, v. 334.

³ Lat. Reg. cviii. f. 132; *Cal. of Papal Letters*, v. 534.

⁴ Lat. Reg. cliii. f. 106; *Cal. of Papal Letters*, vi. 250.

Innocent VIII conferred on certain Cistercian abbots the right of ordaining sub-deacons, and there seems to be reason for believing that some Benedictine abbots enjoyed the same privilege.⁵ The Cistercians claim that Innocent VIII granted to the privileged abbots the right to confer the diaconate as well; but Santi, a canonist of repute, says that this grant has not been proved. Indeed, he quotes Gasparri to the effect that there is no mention of the diaconate in the bull of Innocent VIII, which is in the Vatican archives;⁶ but he adds:

Quaestio certe soluta esset, si in facto constaret de hac delegatione Pontificis. Nam factum iuridicum summi pontificis explicans et determinans ius statuit quid sit in concreto tenendum.

As to the priesthood Santi asserts that it has always been held that it could only be conferred by a bishop, and that the power of ordination could not be delegated to a simple priest.

The text of the grant to St. Osyth, which goes against this doctrine, is printed below, and there can be no doubt as to its authenticity; by mistake it was registered twice,⁷ and in addition it is recited in the rescript by which it was cancelled, also here printed.

It would be interesting to know something of the circumstances of this singular grant—why the pope so favoured an English house; to what extent the abbot availed himself of his privilege; and, perhaps more than all, the exact terms of the bishop's protest.

EGERTON BECK.

I.

Arch. Vat., Reg. Lat. lxxxi., f. 264 d.

Bonifatius etc. Ad perpetuam rei memoriam. Sacre religionis, sub Barth.⁸ qua dilecti filii Abbas et Conventus Monasterii Apostolorum Petri et Pauli ac sancte Osi the Virginis et martiris in Essexia ordinis sancti Augustini Londonien. diocesis devotum et sedulum exhibent altissimo famulatum, promeretur honestas, ut votis eorum, illis presertim per que utilitas dicti Monasterii procuratur et cultus divinus in eodem in dies augmentatur ac honor abbatibus eiusdem Monasterii pro tempore existentibus uberius impenditur in futurum, quantum cum deo possumus favorabiliter annuamus. Hinc est quod nos, ipsorum Abbatis et Conventus in hac parte supplicationibus inclinati, ut idem abbas et successores sui imperpetuum abbates eiusdem Monasterii pro tempore existentes omnibus et singulis Canonicis presentibus et futuris professis eiusdem Monasterii omnes minores necnon subdiaconatus, diaconatus, et presbiteratus ordines statutis a iure temporibus conferre libere et licite valeant, et quod dicti Canonici sic per

⁵ Santi, *Praelectiones Iuris Canonici* (ed. 4, Ratisbon, 1904), lib. i. p. 133.

⁶ *Ibid.*

⁷ *Cal. of Papal Letters*, v. 333, 334.

⁸ Bartholomaeus episcopus Cremonensis.

dictos Abbates promoti in sic susceptis ordinibus licite et libere ministrare possint, quibuscumque Constitutionibus apostolicis et aliis contrariis in contrarium editis quibuscumque quacumque firmitate roboratis nequaquam obstantibus, eisdem abbati et successoribus suis ac eorum canonicis auctoritate apostolica tenore presentium indulgemus: Ipsis abbati et Conventui de uberius dono gratie concedentes et eadem auctoritate decernentes, quod si forsitan imposterum gratias aut indulgentias seu privilegia vel alias quascumque concessionem seu litteras apostolicas de huiusmodi ordinibus conferendis vel suscipiendis aut de alia quacumque materia seu re per sedem apostolicam vel predicta auctoritate imperpetuum vel ad certum tempus predictis abbati et conventui vel aliis quibuscumque in partibus Anglie vel alibi concessa per eandem sedem in genere vel in specie revocari, restringi, aut minui contigerit, per hoc presens indulgentia nullatenus revocetur, restringatur, aut in aliquo quomodolibet minuatur; Sed presentes littere, nisi de ipsis plena et expressa de verbo ad verbum mentio habeatur, in omni sui permaneant⁹ roboris firmitate, Constitutionibus et ordinacionibus apostolicis et aliis quibuscumque gratiis, privilegiis, indulgentiis, seu litteris apostolicis eisdem abbati et Conventui vel alias quomodolibet communiter vel divisim concessis et aliis contrariis non obstantibus quibuscumque. Nulli ergo etc. nostre concessionis et constitutionis infringere etc. Si quis etc. Datum Rome apud Sanctum Petrum Kal. Februarii Anno Undecimo.

de mandato Jac. de Teramo.

II.

Arch. Vat. Reg. Lat. cviii., f. 132.

Bonifacius etc. Ad futuram rei memoriam. Apostolice sedis providentia circumspecta nonnunquam concessa seu ordinata per eam cassat, revocat, et annullat prout, rerum circumstantiis pensatis, ecclesiarum presertim Cathedralium ac prelatorum illis presidentium statui id conspicit utiliter expedire. Dudum siquidem nos ad dilectorum filiorum Abbatum et Conventus Monasterii sancte Osithe ordinis sancti Augustini Londonien. diocesis petitionis instantiam ut ipse abbas et successores sui Abbates dicti Monasterii qui essent pro tempore mitra, annulo, et omnibus aliis pontificalibus insigniis libere uti; Quodque in dicto Monasterio et prioratibus eidem Monasterio subiectis ac parochialibus et aliis ecclesiis ad ipsos communiter vel divisim pertinentibus, quamvis ipsis pleno iure non subessent, benedictionem sollemnem post missarum, vesperarum, matutinarum solemniam, dummodo in benedictione huiusmodi aliquis Antistes vel sedis apostolice legatus presens non esset, elargiri possent per quasdam primo¹⁰; Et deinde ut Abbas et successores prefati omnibus et singulis Canonicis presentibus et futuris professis eiusdem Monasterii omnes minores necnon Subdiaconatus, diaconatus, et presbiteratus ordines statutis a iure temporibus conferre libere et licite valerent, felicitis recordationis Alexandri papae III predecessoris nostri que incipit Abbates et aliis quibuscumque Constitutionibus apostolicis contrariis nequaquam obstantibus, eisdem Abbati et successoribus auctoritate apostolica de speciali

Can[on]o-
leria].

⁹ Written twice.

¹⁰ Sic.

gratia per quasdam alias litteras nostras duximus indulgendum prout in predictis litteris plenius continetur. Cum autem, sicut exhibita nobis nuper pro parte venerabilis fratris nostri Roberti Episcopi Londonien. petitio continebat, Monasterium prefatum in quo idem Episcopus ius obtinet patronatus per quosdam ipsius Episcopi predecessores Londonien. episcopos qui fuerunt pro tempore fundatum extiterit, ac littere et indulta huiusmodi in gravem ipsius Episcopi et iurisdictionis sue ordinarie ac ecclesie Londonien. lesionem vergere dinoscantur; Pro parte eiusdem Episcopi nobis fuit humiliter supplicatum ut sue et eiusdem ecclesie indemnitati consulere in premissis de benignitate apostolica dignaremur. Nos super hiis, prout ex iniuncti nobis ministerii pastoralis officio tenemur, providere volentes, huiusmodi supplicationibus inclinati, litteras et indulta huiusmodi auctoritate apostolica ex certa scientia tenore presentium revocamus, cassamus, et irritamus, ac nullius esse volumus roboris vel momenti, districtius inhibentes Abbati et Conventui ac successoribus predictis ne pretextu dictarum litterarum contra revocationem nostram huiusmodi aliquid attemptare aut eisdem litteris uti quoquo modo presumant ac^[1] decernentes exnunc irritum et inane quidquid in contrarium a quoquam quavis auctoritate scienter vel ignoranter contigerit attemptari, predictis litteris ac Constitutionibus apostolicis et aliis contrariis non obstantibus quibuscumque. Nulli ergo etc. nostrae revocationis, cassationis, irritationis, voluntatis, et constitutionis infringere etc. Si quis autem etc.

Datum Rome apud Sanctum Petrum Octavo Idus Februarii Anno quartodecimo.

N. . . de Benevento.

Documents illustrating the Wars of Religion, 1569-1573.

THE following documents are extracted from two manuscript volumes, covering the years 1564-1576, which are known as the 'Registres Secrets du Parlement de Bordeaux.' They are a seventeenth-century copy of a contemporary copy which belonged to the first president d'Aulède. The sixteenth-century originals perished in a fire. These registers are in the Bibliothèque de la Ville in the Rue Mablé, Bordeaux.

In documents nos. I and II Montluc gives his views of the state of affairs in 1569. In the previous March had taken place the series of engagements known as the battle of Jarnac, but the military advantages gained by the victorious catholics were not large. Blaye was held at this time, in the Huguenot interest, by Pardeillan, and Montluc points out the absurdity of Monsieur's belief that Blaye could be reduced by a land attack alone, for, without La Garde's galleys, it would be relieved by the Rochellais and the English privateers. Montluc's military instinct was rarely at fault. Remonstrance no. II well illustrates the views of the purely military party and their aversion to edicts of peace. Since Montluc

¹¹ MS. a.

had last appeared before the parlement the victory of Moncontour, on 3 October 1569, ought to have finished the religious wars at once; so great was the disaster to the Huguenots. But the catholic leaders were disunited and wasted time over the siege of St. Jean d'Angeli, and Coligny started on the famous movement of the princes. Montgomery gained some success in the south-west. This remonstrance is imperfectly dated and the sequence of events is hard to follow, but I believe it to be a sort of *résumé* of Montluc's doings from the outbreak of the third civil war to the peace of St. Germain.¹ The first edict of peace must refer to that of Longjumeau, which in fact lasted just six months. The view that there was peace because 'the queen mother could not act as she wished' is contrary to the general opinion that Catherine at that date favoured a pacific policy. In the sentence '*voilà une autre paix*,' reference is probably made merely to some offers of the court for an armistice, which were maintained throughout the winter of 1569, with the Huguenots of the south-west. Montluc was perhaps misled into believing that another peace was imminent. Joyeuse, not to be confused with the duke killed at Coutras, was lieutenant-general in Languedoc until he was replaced by Damville. The want of sympathy between Montluc and the Montmorenci family was of considerable service to the Huguenots. The text of the part enclosed in brackets is evidently corrupt, for the sense, if any can be made, is contradictory. Finally Montluc attributes the failure of the campaign in Guyenne to the frequent interruptions caused by edicts of peace, and to the changing of governors; in a word, to the subordination of the military to the court party.

In the process of Lagoudine, no. III, we see the beginning of the leaguer spirit which was soon to bring France to a state of anarchy. Lagoudine, and others like him, stirred up the fanaticism of the people and pandered to the worst passions of the mob, to the alarm and disgust of many fervent catholics. The ground was being well prepared for massacre and outrage. The archbishop's support of Lagoudine had its root in the priest's refusal to recognise any but his bishop, and his contempt for the civil authorities; and it was this fact which de Lahet chiefly used for his attack on both. The king, he says, is the son of a harlot, his edicts are only ink and paper, the *arrêts* of the court have been made in concert with the Huguenots, the members of the court should be hanged; what then is the inference? That the real source of authority resides in the

¹ This remonstrance of Montluc is undated with respect to the month. But 'Jeu de 26' could only apply to either January or October in 1570. The latter date is the most suitable for the general sense of the document. At the same time the edict of St. Germain dates from 8 August, and Montluc must have waited a long time if he did not give his account of the events between the two peaces until October. Possibly the date in the original, faulty in respect of the month, is inaccurate also with regard to the day.

catholic people, the intensity of catholicism being the measure of power. Lagoudine was content to recognise his bishop only so long as his bishop was of the true faith, but supposing that a man of the views of the bishop of Valence were to have been appointed to the see of Bordeaux, the hollowness of the pretence of canonical obedience would have been apparent. The whole theory was an inverted 'Dominion of Grace.' The democracy of the idea was hardly affected by its limitation to the catholic people, for the 'people' were essentially catholic.² The idea which opposed this democratic, and soon to be anarchical, conception, and which lay behind the discourses of the bishop of Valence and de Lahet, was the simple proposition that our sovereign lord the king does what seems good to him in this realm of France. So anxious was de Lahet to magnify any authority which represented a loyalist and anti-democratic ecclesiastical theory, that, during the Pichon dispute, he cast some of the glamour of absolutism over the jurats of Bordeaux. The maintenance of nationality and order was indeed inseparably bound up with the idea of an absolute king. The last two Valois were unfortunate subjects in which to embody this theory, but the truth of it became manifest under Henry IV and during the seventeenth century. On such different bases did England and France, following their respective destinies, build up their greatness and prosperity. There is a trite but fallacious phrase which is often heard, 'If the king had been a leaguer, the league would have preached divine right.' Perhaps the fallacy will be still clearer after reading the Lagoudine process. The phrase is a mere abstraction; it deals with an imaginary king and an imaginary league. No French monarch of the sixteenth century could have given whole-hearted adherence to the league, and the league could never have preached divine right in favour of a Valois.

No. IV illustrates the anxiety of the king to avoid any rupture with Elizabeth, an anxiety entirely reciprocated by her. Ever since the marriage of Philip and Mary the one dread of France had been that England should become permanently Spanish, even as the one preoccupation of English statesmen, except the few who were so catholic as to be Spanish in sympathies, had been to prevent any understanding between the courts of France and Spain. The Anglo-French understanding, which survived several shocks, was in the interests of both countries; so important did this accord seem to Philip, that he considered the complete paralysis of Henry III to be a large contribution to the success of the Armada.

Nos. V-VIII relate to the massacre at Bordeaux on 3 October 1572. In no. VII Montferrand repudiates all idea of slackness during the 'execution,' and estimates the deaths at over 250. This

² This is still, I think, true for the period under our notice, but not perhaps for an earlier one. See Hauser's *Études de la Réforme Française*.

massacre, the last echo of St. Bartholomew, has some peculiarities. Since 24 August the town had had time to quiet down; the people must have been roused independently. Montferrand is said to have long hesitated, and finally to have led the murdering bands in person. This hesitation would account for the long delay in the outbreak, and it is clear that on 9 October he was a strong partisan of the recent massacre. Perhaps Villars had recommended some 'execution,' and it is certain, from the local archives, that preachers of the Lagoudine type had been very active in Bordeaux towards the end of September. In no. VIII the king who, after his varied explanations of St. Bartholomew, must have been seriously annoyed to find that people were still using his name as authority for the massacre at Bordeaux, commands the seneschal to proceed against all who have done so.

No. IX deals with the fact that Montgomery's expedition had been fitted out at London with the knowledge of the queen.

No. X relates to the quarrel between the governor and the parlement. The first president Lagebaston was obnoxious to Montferrand and was regarded by him as a pseudo-Huguenot; he was certainly a moderate man, and his frequent absence from Bordeaux may well have rendered him suspect to the catholics. However the parlement supported the first president. Both in this case and in the Lagoudine affair, we are impressed with the sense of dignity which the parlement of Bordeaux showed.

MAURICE WILKINSON.

I.

Du 8 juin 1569.

Les chambres assamblées est venu en la cour le S^r de Monluc,³ lieutenant général etc., & a dit :—

M^{rs}, vous m'aves écrit deux lettres me remonstrant les affaires du bourg & la crainte que aves; ce qui a aussi travaillé mon esprit, craignent que l'admiral avec ses troupes ne vint se jeter de ça pour assiéger ceste ville, & sous cette espérance je me suis venu enfermer en ceste ville. Je vous ai aussi écrit que ma venue ne pourroit vous profiter beaucoup parceque je n'ay nul moien de faire la guerre, d'autant qu'il m'a esté déffandu, par lettres pattantes expresses du roy, de toucher à ses finances. Je n'ay point de forces nécessaires pour dresser un camp car je n'ay que 8 compagnies d'infanterie et 3-4 de cavalerie; mais quand je voirai que l'on n'esparnera ny le vert ny le sec, lors je feray mon devoir. Ceux de Tholose avoient gaigné de Monsieur une lettre, la plus véhémement du monde, que je devois aller assaillir Montauban: enfin je luy écrivis une lettre, par laquelle je luy mandois, que je ne voulois pas perdre Bordeaux pour gaigner les poules & chappons de Tholose, & crois que Monsieur ne l'a point pris en mauvaise part. Aussi m'escrivit led: s^r, par Bajau.

³ For Montluc's campaigns see P. Courteault's *Montluc Historien* and *Blaise de Montluc*.

mont, que je misse le camp devant Blaye.⁴ Lors je dis aud: Bajaumont que ceulx qui estoient près de Monsieur ne scavoient ce qu'ils se faisoient, & n'entendoient guères bien les ruses de la guerre; car dans vingt quatre heures Blaye seroit secouru par mer, les ennemis y estants plus forts que nous, & de perdre là ma réputation, sans rien faire, je crois que Monsieur ne le voudroit pas; mais qu'il plaise au roy d'envoyer le baron de Garde,⁵ avec ses galères, & je luy assureray d'emporter Blaye dans peu de jours. Il m'a dit que je vous aves écrit une letre (par) laquelle je vous mandois que je ne voulois point venir icy parceque soles⁶ anglois y faisoient descente, & je ne voiois point que ceste ville fust tenable. Je scay bien que je ne vous ay jamais écrit telles choses, car, tout soudain que j'ay esté adverti que l'admiral s'en venoit par deçà, je me suis resoulu de me venir renfermer dans ceste ville.⁷

II.

Du jeudy 26 [octobre] 1570.

Cejourdhuy, estant les chambres assamblées, est venu en la cour led: s^r de Monluc etc, ensemble le s^r de Montferrant,⁸ gouverneur de la presente ville, & a dit led: s^r de Monluc:—

Messieurs, ce qui me mène icy a esté pour vous premièrement, & vous offrir tout le service que je dois au roy affin d'adviser par ensemble s'il y a rien à faire pour le service du roy & pacification de vostre ville. Vous aves Montferrant, auquel le roy se fie, lequel s'est si bien porté qu'il n'y est venu d'inconvénient icy; de manière que les affaires du roy se portèrent si bien qu'il n'y avoit homme qui nous osast montrer teste. Nous avons assoupi cette religion P. R. en la Guienne, le vieux cavalier⁹ & moy. Au lieu que l'on devoit suivre en France ce que avions commencé icy, le roy estoit jeune, la reyne ne pouvoit pas fere ce qu'elle vouloit, y a eu un édit de paix. Lad: paix a duré 5-6 mois; pendant ceste paix vous aves la payne que j'ay eu à maintenir chascun en sa religion. Au bout de 6 mois la guerre commence & j'ay envoyé au roy 32 enseignes de gens de pieds & 1400 gentilshommes, vostre ville toutefois n'est demeuré dégarnie. Je m'approchois toujours près des ennemis, voilà une autre paix & je fus malade; après m'en allay audevant des Prouvençaux: ¹⁰ le s^r de Joyeuse & autres m'advertissoient toujours qu'ilz n'estoient que 4000 ou 7000 pendarts & canaille; nous les eussions combatus mais enfin ils se sont trouvés

⁴ Blaye was seized by the protestants in the autumn of 1568.

⁵ Paulin Escalin des Aimars, baron de La Garde.

⁶ *Sole* was the name given to the boats of privateers.

⁷ *Registre Secret*, page 77.

⁸ Charles de Montferrant; his younger brother, Guy, baron of Langoiran, was governor of Bergerac and Périgueux in the protestant interest.

⁹ Terride. The distinction between 'France' and 'Guienne,' as between 'France' and 'Provence,' is often met with in documents dealing with the south-east.

¹⁰ The following is the explanation, I think, of this not obvious passage. Crussol d'Acier, at the head of a large body of protestants of the south-east, men of Dauphiné, Vivarais, and Languedoc, made a furious irruption towards the south-west in November 1568. They were perhaps not far from 18,000 strong. A body of about 4000 under Mauvans detached themselves from the main force, and they were Provençals. Hence. Joyeuse's serious mistake as to numbers, hence also Montluc's expression which described all Acier's force as 'Prouvençaux.'

18 ou 20,000 hommes des plus bragards de la France. Les vicomtes ne passerent jamais la Garonne à Thoneins.¹¹ Le roy en son conseil n'a pas trouvé que le pays fust en si bon ordre, il a envoyé un autre, qu'est le S^r Danville, & n'a tenu à moy que les ennemis n'aient esté combattus ; l'on a voulu donner quelque chat par les pattes à la cour ; & quand j'ay veu que je n'ay peu estre reçu [& que je n'avois trouvé le S^r de Burie lequel je menoais comme un barbet & que cestuy cy estoit un jeune gallant qui me vouloit mener de telle sorte que j'ay esté contraint de le lesser.] Après m'en vins à Agen¹² où je trouve tout le monde esbahy ; je tins conseil le landemain & leur declaras que je voulois mourir avec eux, ils me leverent tous la main qu'ils fairoint tout ce que je voudrois ; je leur promis que je garderois la ville avec eux, mais par le conseil du S^r de la Valette¹³ je fus contraint d'y envoyer un chef, & me fust dit quelque chose qu'il n'est besoin que je dise. Je manday à Romegas qu'il m'envoiasst mon fils ce qu'il fist, & vint de nuit & les fis aller aud: Villeneuve¹⁴ où tout le monde fust réjouy. Les ennemis le vindrent sommer lesquels eurent mauvaise réponse de sorte que ceulx n'y retournerent plus. Mongomeri y alla avec tout son camp & depuis qu'on leur tua quelques uns de leurs gens n'eurent jamais puissance de passer outre. A Chassaigne le soir de l'escalade j'y envoiay un capp^t, nommé Moret, fort vaillant, avec quarante hommes les echelles demurerent là ; Lengnac se mit à Puymirol¹⁵ qui a bien fait son devoir ; à Madaillan je mis un archer de ma compagnie, & à Agen ne me sont venus leud: ennemis bailler une seule alarme. Voilà ce que j'ay fait par de là. Quant j'eusse veu vostre ville en nécessité je n'eusse failly d'y venir ; & s'il eust pleu au roy nous lesser comme eussions, & ne nous changer de lieutenants, & ne nous bailler encores édits de pacification, j'eusse toujours fait comme j'avois fait, & la Guienne estoit riche d'un milion d'écus & les ruynes ny les troubles ne fussent allés comme ils ont fait ; qu'est tout ce que je vous voulois dire.¹⁶

III.

Du 6 fév. 1570.

Cejourdhuy etc.

Le S^r Evesque de Valance¹⁷ a dit que, quant le prescheur Lagoudine & aultres vouloint prescher catholiquement, il entend ce mot catholiquement qu'ils ne preschent publiquement qu'il faut tuer les gens, & qu'ils

¹¹ Tonneins is just below the confluence of the Lot and Garonne. The 'viscounts' were seven protestant nobles of the Querci and Rouergue, viz. the sieurs de Bourniquet, Montclar, Paulin, Caumont, Serignan, Montaigu, and Rapin.

¹² *Archives Historiques de la Gascogne*, vi. Montgomery was across the Garonne in the Condomois. The object of Montluc was to prevent his junction with the admiral.

¹³ Later governor of Provence, killed at the siege of Roquebrune, 1592. La Valette and Damville, although strong in men, did little to hinder the admiral's exploits round Toulouse. There was much in common between the *politique* and Huguenot nobility.

¹⁴ Villeneuve d'Agenais (Lot and Garonne), a town to the north of Agen.

¹⁵ Puymirol is about five miles east of Agen.

¹⁶ Page 313.

¹⁷ Jean de Montluc.

ne touchent l'honneur du roy. Il y a en la présente ville des gens catholiques, dignes de foy, qui témoignent que ce prescheur a eu ceste audace & témérité; & n'a eu honte de dire, en chaire, que les huguenots disoient que le roy estoit fils d'une putain, qui sont choses indignes d'estre préférées en telle assistance par un prescheur. Parquoy a semblé devoir aud: S^r Evesque de Valance communiquer ce que dessus à lad: cour, affin qu'il luy plaise de ne permettre que telles choses fauces, & méchantes soient ainsi publiées par les prédicateurs: ains que iceux prédicateurs suivent le texte de leur evangile & convainquent par iceluy les ennemis de la foy & non point prescher les séditions; attendu que le roy nostre seigneur fasse dans iceluy pays & terre de France que bon luy sembleroit. Car le peuple prend asses l'autorité de soyemesme sans qu'on luy embaile davantage.

Surquoy M^e Jean de Lahet, procureur général, illec présent, a dit qu'il a deux occasions de parler de cest affaire, & supplie la cour de revoir les registres concernant led: prescheur; car il fist remonter à la cour & à M^{eur} de Bord^x combien il estoit scandaleux. Led: archevesque de Bord^x ¹⁸ luy a non seulement permis de prescher mais, dès le lendemain, il avoit toléré que led: prescheur usast de plusieurs invectives contre l'autorité de lad: cour disant qu'il ne reconnoissoit que son evesque, chose scandaleuse & séditieuse, & preschoit, nonobstant l'arrest de la cour, que M^r de la cour le vouloit envoyer quérir, mais qu'il n'y fust pas allé; & que s'il fust allé, il s'est dit pis en leur présence, usant de grand mépris envers la cour & enseignent le peuple de faire le semblable. C'est nourrir le peuple en sédition, & de vray il scait bien que le requeste, qui luy fust présenté pour continuer lad: presche, fust par un certain qui, aux troubles,¹⁹ fust estimé le plus grand séditieux & porte encores la corde au col.

Le second point qu'il a remontré c'est que les plus honorables bourgeois & les plus catholiques se sont venus prier interdire le prescher aud: Lagodine; craignant qu'il excite une sédition, comme il se jacte de vouloir faire, & qu'il perde & ruyne ceste ville, ce qu'il tasche de faire par plusieurs artifices; & premièrement il crie contre lad: cour & crie au peuple qu'on met les huguenots dehors, & qu'il leur faut couper la gorge: & dernièrement que la cour fist un arrest portant inhibitions aux habitants de tenir propos séditieux & invectiver les uns les autres, iceluy prescheur accourust à la maison de ville & s'opposa à la publication dud: arrest, & usa d'une infinité de propos irrévérents & plains de sédition contre lad: cour, dont l'acte est en la maison; & dernièrement que une galère se révolta de nuit il y alla, armé de deux pistoles, incitant le peuple d'employer armes & couper gorges. Quant à ses presches la cour est advertie des propos infames qu'il a tenu de lad: cour, jusques à dire qu'il les falloit pendre avec un cordon de soye. Comme, d'un costé, il méprise l'autorité d'icelle cour & tache de randre grande celle du peuple, qui est deja entièrement soubstrait de son obéissance, iceluy procureur général requiert que la cour y mette ordre & que M^{eur} de Bord^x en répondre promptement. Lequel S^r de Bord^x a dit, parmy ses propos, qu'on n'avoit pas esté accoustumé d'estre si aspre avec les ministres; mais chacun scait que si on

¹⁸ Antoine Prévôt de Sansac.

¹⁹ This refers to the night of the revolt of a galley.

usoit à l'androit de son prescheur de la rigueur non seulement eust il esté pendu, témoins Neufchâtel, Laformentière, & plusieurs autres, qui ont esté pendus sans longue procédure, mais encores rompu & brisé. Led: S^r archevesque a dit que véritablement il ne voit jamais peuple si emeu, que fust celuy de ceste ville, le soir du révoltement des galères; car, comme il faisoit la ronde, ils luy demanderent la bénédiction pour aller tuer, auxquels il répondit que sa bénédiction ne s'estandoit pas là. Mais veut bien assurer la cour que, quelque chose qu'on dise, le prescheur n'estoit pas là.

Surquoy led: S^r de Lansac & led: S^r evesque de Valance ont requis que le dire dud: S^r archevesque soit enregistré, ce qui fust fait: & néantmoins a dit led: S^r de Montferrant que le soir, duquel a parlé led: S^r archevesque, que toute la ville estoit en sédition, n'eust allé iceluy S^r de Montferrand pardevant lad: cour & a supplié y mestre tel ordre qu'il n'en advienne aucun inconvénient.

Du jedy 9 de février 1570

Cejourdhuy etc. :—

Led: S^r evesque (de Valance) a dit qu'il ne voit plus grande sédition que de voir mesler (les prescheurs ?) entre le peuple & la cour, & d'entendre que les prescheurs disent que le parlement ne vaut rien à la tournelle.²⁰ A quoy led: S^r archevesque a dit que le S^r evesque appelle sédition quand un prescheur prescha que le roy est fils d'une putain. Led: S^r de Valance a répondu que led: prescheur a dit ausy qu'il ne faut obéir aux édits du roy, lesquels ne sont faits que d'ancre & parchemin, & maintient que cela est sédition. Ensemble maintient que cela est sédition quant les prescheurs se vont opposer, comme appert, à la publication des arrests qui sont faits suivant les édits & ordonnances; & ausy quand ils disent que ces arrests sont donnés à la réquisition de ceux de la religion, & plusieurs autres propos scandaleux qu'ils tiennent ordinairement en leurs presches.

Led: S^r archevesque a dit qu'il maintient de faux l'acte qui a esté receu par Pichon, clerc de la ville, & que un chacun sçait qu'il a esté prohibé aud: Pichon d'écrire aucune chose, lorsqu'il est question du faict de religion.

Led: M^e de Lahet, procureur général du roy, illec présent, a dit que led: acte est en bonne & deue forme accordé par tous les jurats; lesquels quand bon leur semble, approuvent led: Pichon, ou aultres, & d'aultre fois les tiennent pour suspects, sans aucun mestier est que l'archevesque se mesle.

Led: S^r archevesque dit qu'il pensoit que led: procureur voulust parler en cecy contre luy.

Led: procureur général a dit qu'il ne lessera parler led: S^r archevesque, & a remonstré que le prescheur commençoit la sédition & a continué tout cest advant au grand scandalle du public; & plusieurs principaux catholiques de la paroisse de St. Michel rendirent témoignage contre luy; de sorte que pour lors fust baillé l'arrest d'interdiction. Depuis, au lieu

²⁰ The point seems to be that Lagoudine and other preachers ridiculed the idea of their process being made a matter of sedition and therefore to be considered by the parlement in full; whereas it was a small matter and within the competence of the Tournelle.

de trouver bon cest arrest, il a voulu dire qu'il avoit esté donné par intelligence des huguenots, & cela est sédition ; & que l'un desd: arrests avoit esté fait par les bons & l'autre par les méchants, & cela est sédition ; & n'a eu iceluy prescheur honte de s'aller opposer à la publication de cest arrest, disant que si l'on passoit outre il en adviendrait de la sédition, & cela est rébellion, crime de lèse majesté ;²¹ & incontinent sont led: de Lahet & du Sault sortys.

The court deliberated.

Surquoy a esté mandé revenir en la cour led: procureur général du roy ; lequel, estant interpellé quelles conclusions il entendoit prendre sur ce que dessus, dit que s'il vouloit prendre conclusions il les prendroit contre led: archevesque, qui estoit présent lors de l'arrest ; & supplie la cour d'advertir le roy du tout & est derechef sorty.

Surquoy a esté arrêté que l'arrest donné contre led: Lagoudine portant interdiction sera & réellement de fait exécuté ; & néantmoins sera informé sur les dénonciations faites par iceluy procureur, tant à l'encontre dud: Lagoudine que dud: archevesque, que plus amplement il pourra bailler par interdit & déclaration pardevant M^{rs} Charles de Malvin²² & Léonard Alesme, con^{seillers} du roy, en lad: cour.

Du samedi 11 de fév. 1570.

Cejourdhuy les chambres délibèrent sur la requeste de récusation présentée à lad: cour par led: Lagoudine à l'ancontre de M^e Jean de Lahet, procureur général du roy.

Led: de Lahet a dit que la cour sçait ce qu'il a remontré ces jours passés, & veu lad: requeste de récusation proposée contre luy, supplie lad: cour l'en vouloir déscharger.

A long interruption, to give audience to Montferrand, took place.

Et incontinent lad: cour recommence sa délibération touschant led: Lagoudine ; & a esté arrêté que inhibitions & déffences seront faites à iceluy Lagoudine de prescher à l'advenir, tant en ceste ville que autres villes, bourgs, & bastides du ressort d'icelle, & enjoint aud: archevesque de Bord^x de commettre un autre prescheur en la chaire de S^t Michel pour prescher durant ce caresme, sous peine de conclusions prises par led: procureur général : & néantmoins a esté arrêté que lad: requeste de récusation sera rompue & dilacérée en la chambre en présence dud: Lagoudine & de Noyer prestre ; & pour la façon de faire la cour le condamne en 100 l.t. d'amande envers les pauvres de l'hospital S^t André, & en autres 100 l.t. envers les prisonniers de la conciergerie ; & néantmoins iceluy Lagoudine encoure infamie, & luy sera faite une réprimande en la chambre & inhibitions & déffances de plus user de telles façons de faire à l'advenir.

²¹ The treason laws of France were very mild compared with those of England. The words seem to have been only seditious ; it required a threat of forcible opposition to constitute *lèse majesté*.

²² A monograph on this man has been written by P. Courteault.

Du 4 de avril 1570.

Du Sault, substitut pour le procureur général, a remontré à la cour qu'elle est memorative des arrests donnés contre led: Lagoudine, par lesquels estoit interdit aud: Lagoudine de prescher; néantmoins au mépris de la cour il auroit continué à prescher. Lesquels arrests, estant venus à la connoissance du roy, sa maj: les avoit confirmés, & mande très expressément à la cour & aud: archevesque de Bord^x de jeter led: Lagoudine hors icelle. La cour voit cecy est de grande conséquence & est grande offence à l'autorité de sa maj: & ordonne que led: Lagoudine soit arresté; &, en cas que ced: Lagoudine voulut enfreindre l'arrest de la cour, qu'il luy soit permis de le faire prendre partout où il sera, & iceluy mener en la conciergerie de lad: cour pieds & mains liés.²³

IV.

Du 13 avril 1570.

Cejourdhuy est venu en la cour le S^r de Montferrant, & a dit qu'il a receu une lettre du roy par laquelle sa Maj: luy mande qu'il a esté adverti qu'on traite fort mal les Anglois par deça; qu'est entièrement rompre l'accort fait par led: Seigneur avec lad: reyne d'Angleterre. En cela la cour est memorative que, toutes fois & quantes il s'est parlé des Anglois, il est venu prendre advis de la cour: & croit qu'elle certifiera que, durant le temps que les Anglois ont demeuré en ceste ville, ils ont esté si bien traités qu'ils s'en sont allés très contents; combien que aucun méchant & menteur luy aie baillé ceste venue pour le rendre odieux envers le roy. A ceste cause supplie la cour qu'elle luy plaise en écrire au roy.

Surquoy luy a esté respondu par led: S^r président de Rossignac que la cour certifiera touiours le roy que jamais aucun Anglois n'a esté arresté en ceste ville ny ailleurs, dans les autres villes, bourgs, bastides du ressort d'icelle dite cour; ensemble sont toujours contents & bien traités dans icelle dite ville. Et, au demurant, que toutes fois & quantes led: S^r de Montferrant vient par devers elle, trouve touiours prest pour le service du roy & resolu d'entretenir l'accort fait avec lad: reyne d'Angleterre.

Surquoy led: S^r de Montferrant a remercié la cour, & incontinent est sourty.²⁴

V.

Du 29 aoust 1572.

Le S^r de Montferrant estant venu en la cour a dit avoir receu des lettres du roy & du S^r de Montpesat, qu'on dit estre lieutenant pour le roy en Guienne en absance du roy de Navarre.

Lesd: lettres estoient leues contenant advisement de ce qui estoit advenu touchant l'exécution faite en la ville de Paris & en la personne tant du feu admiral de Châtillon, que autres gentilshommes en plusieurs endroits. n'y aiant rien en cela de la rupture de l'édit de pacification; lequel led: S^r roy vouloit estre entretenu autant que jamais. Surquoy a dit led:

²³ Page 343 seq.

²⁴ Page 391.

S^r de Montferrand qu'il ne pouvoit contenir la ville en paix sous l'autorité du roy sans avoir des forces estrangères.²⁵

A esté arresté qu'il sera mis en ceste ville 300 hommes de pied, qui seront choisis par led: S^r de Montferrand, & lesquels seront nourris & entretenus par tous les habitants de lad: ville jusques à ce qu'autrement soit ordonné.²⁶

VI.

Du 4 septembre 1572.

Cejourdhuy fust faite lecture en la cour de l'ordonnance que le roy avoit faite le 28 aoust, & l'avoit envoyée au S^r de Montferrand gouverneur de ceste ville. Par cette ordonnance le roy declare que la cause de la mort de l'admiral Châtillon, ses adhérents, & autres ses complices, advenue le 24 aoust dernier n'est pour aucune cause de religion, ains pour obvier à l'exécution d'une malheureuse conspiration faite par led: feu admiral, chef auteur d'icelle & ses dits adhérents, en la personne dud: S^r roy, la reyne mère, messeigneurs ses frères, le roy de Navarre, & autres seigneurs & princes estants près d'eux.²⁷

VII.

Du 9 octobre 1572.

Cejourdhuy le S^r de Montferrant, mandé de venir en la cour, a dit qu'il avoit esté adverti qu'il y avoit aucuns de la cour qui avoit écrit au S^r amiral de Villars,²⁸ lieutenant du roy en Guienne, que iceluy de Montferrant n'avoit tué le jour de l'exécution, qui fust faite le 3 octobre, que 10 à 12 hommes; chose de tout fausse. Car il y avoit eu plus de 250 descès, & qu'il en feroit voir le roolle à celuy qui le voudroit voir.²⁹

VIII.

Du 8 novembre 1572.

Cejourdhuy le lieutenant & procureurs du roy en Guienne, pour ce mandés en la cour, ont dit que le S^r de Merville, sénéchal de Guienne, leur avoit communiqué une missive du roy, par laquelle estoit mandé d'informer des massacres qui avoient esté faits par les villes de ce ressort, & contre tous ceux qui s'estoient jactés d'avoir eu commandement du roy de le faire; & de leur faire procès ou faire exhiber led: commandement; & aussi estoit mandé de faire publier lad: missive par tout le ressort.³⁰

²⁵ This bears out the statement that Montferrand long hesitated, for at this date he is clearly not in favour of a massacre.

²⁶ Page 549. When the news of the massacre reached Bordeaux there was a similar movement amongst the people in that town. It was this, for the time being, abortive rising that was the origin of the reported massacre at Bordeaux in the *Calendar of State Papers, Foreign*, 1572, No. 583.

²⁷ Page 553.

²⁸ Marquis de Villars succeeded Montluc when the latter retired at the end of 1570. See also La Garde's justification of this massacre, *Mémoires de l'Etat de France*, fo. 596.

²⁹ Page 553.

³⁰ Page 560.

IX.

Du lundy 20 avril 1573.

Cejourdhuy est venu en la cour le S^r de Montferrant, lequel dit avoit à communiquer à lad: cour des lettres qu'il a receu de Monsieur³¹ concernent le service du roy & conservation de la ville. Par la première il a receu advertissement certain que ceux de la N.O. s'arment & mettent sus autant de forces qu'ils peuvent, pour exécuter leurs mauvaises intentions & continuer de plus en plus les troubles de ce royaume. L'autre luy mande de faire haster les huit vaisseaus, audevant le port & havre de la présente ville, qui doivent partir demain pour résister à l'armée estrangère qui est en rivière : de quoy a requis iceluy de Montferrand lad: cour que ces deux missives soient enregistrées.

Le S^r de Montferrant a derechef dit que la cour voit que l'advertissement que Monsieur a receu est véritable, & outre cela, y a un marchand de ceste ville, nommé du Casse, qui luy a communiqué une missive, que on luy a écrit de Londres, que l'embarquement du comte de Montgomery, conducteur de lad: armée, a esté fait à Londres au veu & sceu de la reyne d'Angleterre.³²

X.

Du lundy 25 may 1573.

Est venu en la cour M. de Montferrant, lequel a dit que ce n'estoit pas à la cour qu'il devoit randre compte de sa charge ny de ses actions, mais c'estoit au roy & Monsieur seuls ; & que dès que icelle cour le vouloit contraindre de ce faire il ne le feroit point, d'autant, comme il disoit, que led: Benoist de Lagebaston luy estoit suspect de longue main & luy vouloit mal. Led: S^r président luy répondoit qu'il ne debvoit tenir tels propos, & que si led: Montferrand avoit quelque chose de soubçon contre luy, qu'il s'en pousse par les remèdes de justice. Sur ce eue délibération & a esté ordonné que, veu les grands propos de courous qui se sont meus entre le S^r de Montferrand & le premier président, jusqu'à led: Montferrand avoit dit que le premier président estoit calomniateur, & que led: premier président luy avoit donné un démenti, a esté ordonné que les con^{seillers} qui seront députés porteront au roy le présent registre ; & cependant lad: cour inhibe aud: Montferrand l'entrée & séance en icelle cour.³³

³¹ The duke of Anjou was now in supreme command and engaged in the siege of La Rochelle.

³² Page 624. This expedition of Montgomery threw in some provisions to La Rochelle but was not of any great value. See *Calendar of State Papers*, 1572-74, No. 920. Too much reliance must not be placed on Dale's assertion.

³³ Page 879. Montferrand had joined the camp before La Rochelle on 6 March of this year, and it was there probably where he imbibed the idea of opposition to the parlement. About the same time the relations of Villars and the parlement also became strained.

List of Opposed Elections on taking Office.

THE Statute of 6 Anne, c. 7, sect. 25 (1707) enacts that the acceptance of an office of profit under the Crown by a member of the House of Commons renders his seat vacant, but permits him to stand for re-election, (except in the case of such offices as by statute are not tenable with a seat in that House). The frequency of occasions for such re-elections was reduced by the provision in the Reform Act of 1867 (30 & 31 Vict. c. 102, sect. 52) that a seat should not be vacated by the removal of a member from one to another of certain specified offices, including all the chief ministerial posts. Hence Sir R. Isaacs did not vacate his seat on his transference from the Solicitor to the Attorney-Generalship in October last. In 1859 (before this amendment of the Act of Anne) Mr. Milner Gibson had to stand two re-elections for Ashton-under-Lyne within a fortnight (27 June and 9 July) on successive appointments as President of the Poor Law Board and of the Board of Trade respectively.

No list has, I think, ever been printed of the cases in which the re-election of members on accepting office has been opposed. The following is an attempt to supply such a record. I have put together from various sources lists in chronological order of elections in which (1) a member accepting office has lost or surrendered his seat, (2) a member accepting office has been unsuccessfully opposed. Cabinet Ministers are distinguished by an asterisk. In order to make the lists more complete historically, I have grouped the elections according to the administrations under which they took place.

It is difficult to obtain complete records of the elections in the earlier portion of the eighteenth century; and it is possible that some polls may have taken place for vacancies caused by acceptance of office which I have not found, but my collections include a large number of contests which have never been published except in contemporary newspapers, and I think that very few, if any, that concern the present subject have escaped my search. The earliest instance of a Cabinet Minister being rejected on appealing for re-election after vacating his seat by acceptance of office is that of Lord Castlereagh in 1805, the latest that of Mr. Winston Churchill in 1908. There are only seven such cases in all, the others being those of Mr. Vesey Fitzgerald (1828), Lord John Russell (1835), Mr. Gladstone (1846), Lord Lincoln (1846), Sir W. Harcourt (1880). The unsuccessful attempts to unseat Cabinet Ministers number eighteen, of which only two occurred before the Reform Bill of 1832 and eight are of more recent date than the latest extension of the franchise in 1885. The period of most frequent oppositions to re-election was from 1830 to 1840 during the Grey and Melbourne administrations. Within those ten years five ministers were successfully and seventeen unsuccessfully opposed.

The cases of opposition have been most numerous when the office accepted was a Junior Lordship of the Treasury or Admiralty ; next to these in order of frequency come the Law Officers of the three kingdoms : of Cabinet Ministers, Secretaries of State and Chief Secretaries to the Lord Lieutenant of Ireland have most often had to fight for their seats, and in comparatively recent years the Chancellors of the Duchy of Lancaster appear to have specially attracted attempts to unseat them, which have been uniformly ineffective.

A striking illustration of the action of the House of Commons in dealing with election petitions in the days before the Grenville Act is afforded by the fact that three officials who were beaten at the polls on accepting office ousted their successful opponents on petition in the period between 1707 and 1727.

ALFRED B. BEAVEN.

I.

Instances of members losing their seats on standing for re-election after accepting office.

GODOLPHIN.—1707, November. *Great Bedwin*, N. Pollexfen (Commissioner of Prizes), defeated by T. Pauncefort, but regained his seat on petition.

HARLEY.—1713-14, March. *Penryn*, A. Pendarves, (Surveyor General of Lands), defeated by S. Trefusis.

SUNDERLAND AND STANHOPE.—1718, April. *Lichfield*, W. Chetwynd (Paymaster of Pensions), defeated by W. Sneyd, but regained the seat on petition.

1718, November. *Shaftesbury*, W. Benson (Surveyor General of Works), re-elected, but unseated on petition, his opponent Sir E. Des Bouverie being seated.

WALPOLE.—1721, April. *Carlisle*, General Stanwix (Governor of Hull), defeated by H. Aglionby.

1725, June. *Bedford*, G. Huxley (Commissioner of Victualling), defeated by J. Thurloe Brace.

1726-7, January. *Petersfield*, Serjeant Miller (Baron of Exchequer in Scotland), defeated by J. Taylor, but regained the seat on petition.

1729, May. *Liverpool*, T. Brereton (Commissioner of Victualling), defeated by Sir T. Aston, Bt.

1729-30, February. *Aylesbury*, P. Lloyd (Equerry to the King), defeated by R. Ingoldsby.

1731, May. *Marlow*, J. Clavering (a Groom of the Bedchamber), defeated by G. Robinson.

1737, June. *Chippenham*, R. Holland (a Judge in Wales), defeated by E. Bayntun-Rolt.

DEVONSHIRE.—1756, December. *Stockbridge*, Dr. Hay (a Lord of the Admiralty), abandoned his seat without a contest to Lord Powerscourt.

- NORTH.**—1772, January. *Wallingford*, R. Pigot (Warden of the Mint), defeated by J. Cator.
- 1772, May. *Saltash*, T. Bradshaw (a Lord of the Admiralty), defeated by J. Williams, but regained the seat on petition.
- 1ST PITT.**—1788, August. *Westminster*, Lord Hood (a Lord of the Admiralty), defeated by Lord J. Townshend.
- 2ND PITT.**—* 1805, July. *Down County*, Lord Castlereagh (Secretary for War and the Colonies), defeated by the Hon. J. Meade.
- PERCEVAL.**—1810, March 10. *Cambridgeshire*, Right Hon. C. P. Yorke (a Teller of the Exchequer), retired on the nomination day and Lord F. G. Osborne was elected without a contest.¹
- LIVERPOOL.**—1816, June. *Rochester*, Adm. Sir T. B. Thompson, Bt. (Treasurer of Greenwich Hospital), defeated by J. Barnett.
- 1818, March. *Southampton*, Sir G. H. Rose (Clerk of the Parliaments) gave up his seat without a contest to the Whig candidate, W. Chamberlayne, and was returned for Christchurch.
- 1823, February. *Chichester*, Right Hon. W. Huskisson (Treasurer of the Navy) gave up his seat and was elected for Liverpool. He was succeeded by W. S. Poyntz, a Whig who defeated a Radical candidate.
- 1824, March. *Barnstaple*, M. Nolan (a Judge in Wales), defeated by F. Hodgson.²
- WELLINGTON.**—* 1828, July. *Clare County*, Right Hon. W. Vesey-Fitzgerald (President of the Board of Trade), defeated by Daniel O'Connell.
- GREY.**—1830, December. *Preston*, Right Hon. E. G. Stanley (Chief Secretary for Ireland), defeated by Henry Hunt (Radical).
- 1833, April. *Gloucester*, Captain the Hon. M. F. F. Berkeley (a Lord of the Admiralty), defeated by H. T. Hope.
- 1834, February. *Dudley*, Sir J. Campbell (Attorney-General), defeated by T. Hawkes.
- 2ND MELBOURNE.**—* 1835, May. *South Devon*, Lord John Russell (Home Secretary), defeated by M. E. N. Parker.
- 1838, March. *Devizes*, Captain Dundas (Clerk of the Ordnance), re-elected, but on petition his opponent, G. H. W. Heneage, was seated.
- 2ND PEEL.**—* 1846, January. *Newark*, Right Hon. W. E. Gladstone (Colonial Secretary), abandoned his seat without a contest to J. Stuart (Protectionist).
- 1846, February. *Westminster*, Captain the Hon. H. J. Rous (Lord of the Admiralty), defeated by Sir De Lacy Evans (Radical).
- * 1846, February. *South Nottinghamshire*, Earl of Lincoln (Chief Secretary for Ireland), defeated by T. B. T. Hildyard (Protectionist).
- 1ST RUSSELL.**—1846, August. *St. Albans*, Earl of Listowel (a Lord in Waiting), defeated by B. B. Cabbell.
- 1851, July. *Scarborough*, Earl of Mulgrave (Comptroller of the Household), defeated by G. F. Young.

¹ Yorke was of Cabinet rank, having been Home Secretary under Addington, and he became First Lord of the Admiralty soon after this defeat.

² This was not a gain to the Opposition; there were three candidates, all Tories.

- 1ST DERBY.—1852, March. *Kildare County*, Lord Naas (Chief Secretary for Ireland), abandoned his seat without a contest to W. H. F. Cogan.
- ABERDEEN.—1853, January. *Carlrow Borough*, John Sadleir (a Lord of the Treasury), defeated by J. Alexander (Conservative).
- 1855, January. *Sunderland*, W. Digby Seymour (Recorder of Newcastle-on-Tyne), defeated by H. Fenwick (advanced Liberal).
- 2ND PALMERSTON.—1862, March. *Longford County*, Hon. Luke White (a Lord of the Treasury), defeated by Major O'Reilly (Independent Liberal).
- 2ND RUSSELL.—1866, February. *Sunderland*, H. Fenwick (a Lord of the Admiralty), defeated by J. Candlish (Radical).
- 3RD DERBY.—1866, July. *Bridgewater*, G. Patton (Lord Advocate), defeated by P. Vanderbyl.
- 2ND GLADSTONE.—* 1880, May. *Oxford*, Sir W. Harcourt (Home Secretary), defeated by A. W. Hall.
- 1880, May. *Wigton Boroughs*, J. McLaren (Lord Advocate), defeated by M. J. Stewart.
- 1882, November. *Salisbury*, W. H. Grenfell (a Groom in Waiting), defeated by C. J. Kennard.
- MR. BALFOUR.—1905, April. *Brighton*, G. W. E. Loder (a Lord of the Treasury), defeated by E. A. Villiers.
- MR. ASQUITH.—* 1908, April. *North West Manchester*, Right Hon. W. L. S. Churchill (President of Board of Trade), defeated by W. Joynson-Hicks.

The following cases have not been included in the foregoing list, because the seats abandoned by the member accepting office were filled without a contest by members of the same party :³—

- HARLEY.—1712, July. *Devonshire*, Sir William Pole (Master of the Household) was succeeded by a Tory (Sir W. Courtenay), and apparently did not seek re-election in that Parliament, though he may possibly have been defeated at a poll of which I have found no record.
- PULTENEY AND WILMINGTON.—1741–2, March. *Brackley*, Dr. G. Lee (a Lord of the Admiralty) was succeeded by the Hon. S. Shirley, and was elected for Devizes in the following July.
- DEVONSHIRE.—* 1756, December. *Aldborough*, Right Hon. W. Pitt (Secretary of State), transferred himself to Okehampton and was succeeded by N. Cholmley.
- 1756, December. *Yarmouth, Norfolk*, Right Hon. C. Townshend (Treasurer of the Chamber); he was succeeded by his relative and namesake (afterwards Lord Bayning), and found a seat for himself at Saltash.⁴

³ This list does not profess to be exhaustive; there were several similar instances in the eighteenth century of members exchanging one nomination borough for another on acceptance of office, and I have only recorded here some special cases in illustration of a not uncommon practice.

⁴ The official *Return of Members of Parliament* (1879), followed by Professor Pollard and Mr. Norgate in the *Dictionary of National Biography*, lvii. 118 and 120, erroneously states that the elder Townshend was re-elected. This is shown to be wrong by

NEWCASTLE AND PITT.—* 1757, July. *Okehampton*, Right Hon. W. Pitt (Secretary of State), resigned his seat to T. Potter and transferred himself to Bath.

1ST PITT.—1794, January. *Seaford*, J. Sargent (Clerk of the Ordnance), transferred himself to the Ordnance pocket-borough (Queenborough), and was succeeded by R. P. Jodrell who had stood as his colleague at the general election of 1790.

LIVERPOOL.—* 1812, July. *Bristol*, Right Hon. C. Bragge Bathurst (Chancellor of the Duchy of Lancaster), went to Bodmin and was succeeded by R. Hart Davis.

2ND PEEL.—1842, February. *Bandon*, J. D. Jackson (Solicitor-General for Ireland), went to Dublin University and was succeeded by Viscount Bernard.

1844, April. *Woodstock*, F. Thesiger (Solicitor General), withdrew at the instance of the Duke of Marlborough in favour of the latter's son, the Marquis of Blandford, and was returned soon after for Abingdon.

II.

The following are instances of unsuccessful opposition to a member vacating his seat by accepting office :—

GODOLPHIN.—1708-9, March. *Arundel*, Viscount Shannon (Deputy Governor of Dover Castle), opposed by E. Dummer.

1709, December. *Aylesbury*, Sir John Wittewrong, Bt. (Commission as Colonel in the Army), opposed by J. Herbert.

HARLEY.—1713-14, March. *Hastings*, Sir J. Martin (a Commissioner for arranging trade with France), opposed by J. Offley.

TOWNSHEND.—1715, December. *Newark*, Hon. C. D'Arcy (Master of the Horse), opposed by R. Newdigate.

SUNDERLAND AND STANHOPE.—1717, May. *Gloucestershire*, M. Ducie Moreton (a Vice-Treasurer of Ireland), opposed by H. Colchester.

WALPOLE.—1724, November. *Steyning*, J. Gumley (Commissary General of Musters), opposed by T. Harrison.

1725, June. *Sandwich*, Sir G. Oxenden, Bart. (a Lord of the Admiralty), opposed by J. Mitchell.

1725, June. *Bodmin*, R. West (Lord Chancellor of Ireland), opposed by J. Laroche.

1726, May. *Sudbury*, W. Wyndham (Lieutenant Governor of Chelsea Hospital), opposed by R. Jackson.

1729-30, January. *Weobley*, Serjeant Birch (Cursitor Baron of the Exchequer), opposed by J. Cornwall.

1730, May. *Yarmouth, Norfolk*, Right Hon. H. Walpole (Cofferer of the Household), opposed by — Ellis.

1735, May. *Honiton*, Sir W. Yonge, Bt. (Secretary at War), opposed by Lord A. Hamilton.

comparison of successive issues of the *Royal Kalendar* between 1756 and 1761, by contemporary newspapers, and by Horace Walpole (*Letters*, iii. 48, ed. Cunningham).

1737-8, March. *Windsor*, Lord V. Beauclerk (a Lord of the Admiralty), opposed by R. Oldfield; the election resulted in a double return, but Beauclerk was seated by the House.

1739, May. *Shoreham*, J. Philipson (a Commissioner of the Navy), opposed by C. Frederick.

[Both candidates were supporters of the Government]

PULTENEY AND WILMINGTON.—1741-2, March. *Surrey*, Lord Baltimore (a Lord of the Admiralty), opposed by G. Woodroffe.

H. PELHAM.—1743, December. *Edinburgh County*, Sir C. Gilmour, Bt. (a Lord of Trade), opposed by Sir J. Baird, Bart.

1744, December. *Kincardineshire*, Sir J. Carnegie, Bt. (Commission as Captain in the Army), opposed by Sir A. Bannerman and W. Burnett.

1749, December. *Westminster*, Viscount Trentham (a Lord of the Admiralty), opposed by Sir G. Vandeput, Bt.

1751, April. *Newark*, J. S. Charlton (Clerk of the Deliveries of the Ordnance), opposed by R. Cracroft.

DEVONSHIRE.—1756, December. *Aylesbury*, T. Potter (Paymaster of the Forces), opposed by F. Halsey.

NEWCASTLE AND PITT.—1757, July. *Windsor*, Right Hon. H. Fox (Paymaster of the Forces), opposed by C. Bowles.

GRENVILLE.—1763, December. *Wigan*, Sir F. Norton (Attorney General), opposed by G. Byng.

NORTH.—1771, February. *Haddington Boroughs*, P. Warrender (Remembrancer of the Exchequer in Scotland), opposed by C. Ogilvie.

1777, June. *Yarmouth, Norfolk*, C. Townshend (a Vice Treasurer of Ireland), opposed by W. Beckford.

2ND ROCKINGHAM.—1782, April. *Hindon*, L. Kenyon (Attorney General), opposed by Sir J. Lade, Bt.

1ST PORTLAND ('the Coalition').—1783, April. *Saltash*, Sir Grey Cooper, Bt. (a Lord of the Treasury), opposed by John Buller.

1ST PITT.—1791, June. *Pontefract*, J. Smyth (a Lord of the Admiralty), opposed by J. Walsh.

* 1794, July. *Norwich*, W. Windham (Secretary at War), opposed by J. Mingaye.

1797, July. *Dover*, C. S. Pybus (a Lord of the Treasury), opposed by R. H. Solly.

ADDINGTON.—1803, June. *Southwark*, Right Hon. G. Tierney (Treasurer of the Navy), opposed by Sir T. Turton.

2ND PITT.—1805, March. *Dublin University*. Hon. G. Knox (a Lord of the Treasury in Ireland), opposed by J. L. Foster and A. Browne.

GRENVILLE ('All the Talents').—1806, June. *Honiton*, Hon. A. C. Bradshaw (Teller of the Exchequer in Ireland), opposed by Lord Cochrane (Radical).

PERCEVAL.—1811, January. *Lincoln County*, W. Odell (a Lord of the Treasury in Ireland), opposed by W. T. Monsell.

LIVERPOOL.—* 1816, June. *Liverpool*, Right Hon. G. Canning (President of Board of Control), opposed by T. Leyland.

1822, February. *West Looe*, Right Hon. H. Goulburn (Chief Secretary for Ireland), opposed by Rowland Stephenson.

1823, March. *Newport, Cornwall*, J. Raine (a Judge in Wales), opposed by Rowland Stephenson.

1823, April. *Durham*, Sir H. Hardinge (Clerk of the Ordnance), opposed by H. Lambton.

WELLINGTON.—1828, February. *Durham*, Sir H. Hardinge (Clerk of the Ordnance), opposed by A. Robertson.

1828, February. *Kilkenny*, J. Doherty (Solicitor General for Ireland) opposed by P. S. Butler.

1829, February. *Bath*, Earl of Brecknock (a Lord of the Admiralty), opposed by C. Palmer; a double return, but Brecknock retained the seat at a fresh election.

1829, June. *Weymouth*, Sir E. B. Sugden (Solicitor General), opposed by G. C. Montagu.

GREY.—1830, December. *Chester*, Hon. R. Grosvenor (Comptroller of the Household), opposed by F. C. Offley (both candidates were Whigs).

1831, February. *Kilkenny County*, Viscount Duncannon (First Commissioner of Woods and Forests), opposed by Hon. P. Butler (advanced Liberal).

1833, April. *Coventry*, Right Hon. E. Ellice (Secretary at War), opposed by M. Thomas and J. M. Cobbett.

1833, June. *South Staffordshire*, Right Hon. E. J. Littleton (Chief Secretary for Ireland), opposed by Viscount Ingestre.

* 1834, June. *Cambridge*, Right Hon. T. Spring Rice (Colonial Secretary), opposed by Sir E. B. Sugden.

1834, June. *Leith*, J. A. Murray (Lord Advocate), opposed by W. Aitchison.

2ND MELBOURNE.—* 1835, April. *Manchester*, Right Hon. C. P. Thomson (President of the Board of Trade), opposed by B. Braidley.

1835, April. *Taunton*, Right Hon. H. Labouchere (Master of the Mint), opposed by B. Disraeli.

1835, April. *Penryn*, Sir R. M. Rolfe (Solicitor General), opposed by Lord Tullamore.

1835, May. *West Riding of Yorkshire*, Viscount Morpeth (Chief Secretary for Ireland), opposed by the Hon. J. Stuart Wortley.

1835, May. *Leith*, J. A. Murray (Lord Advocate), opposed by Admiral Sir D. Milne.

1835, September. *Dungarvan*, M. O'Loughlen (Attorney General for Ireland), opposed by J. M. Gallwey. (Both candidates were Liberals.)

1836, August. *Sheffield*, J. Parker (a Lord of the Treasury), opposed by J. Bell (Chartist).

1838, February. *Galway Borough*, A. H. Lynch (Master in Chancery), opposed by Sir V. Blake, Bt.

1838, February. *Tipperary County*, R. Lalor Sheil (a Commissioner of Greenwich Hospital), opposed by S. W. Barton.

1839, May. *Hertford*, Hon. W. F. Cowper (a Commissioner of Greenwich Hospital), opposed by Sir W. M. T. Farquhar, Bt.

1840, January. *Newark*, Sir T. Wilde (Solicitor General), opposed by F. Thesiger. (Both candidates were afterwards Lord Chancellors.)

1840, June. *Cockermouth*, E. Horsman (a Lord of the Treasury), opposed by General Wyndham.

- 2ND PEEL.—1844, April. *Exeter*, Sir W. W. Follett (Attorney General), opposed by General Briggs.
- 1845, July. *Abingdon*, Sir F. Thesiger (Attorney General), opposed by General Caulfield.
- 1845, July. *Cambridge*, Sir F. Kelly (Solicitor General), opposed by R. A. S. Adair.
- 1846, March. *Stafford*, Captain the Hon. S. T. Carnegie (a Lord of the Treasury), opposed by Dr. Sleigh (Protectionist).
- 1ST RUSSELL.—* 1846, July. *Edinburgh*, Right Hon. T. B. Macaulay (Paymaster General), opposed by Sir Culling Smith. (Both candidates were Liberals.)
- 1846, July. *Plymouth*, Viscount Ebrington (a Lord of the Treasury), opposed by H. Vincent (Chartist).
- 1846, September. *Derby*, E. Strutt (Chief Commissioner of Railways), opposed by Sir D. Mackworth, Bart.
- 1852, February. *Northampton*, Right Hon. R. Vernon Smith (Secretary at War), opposed by C. Markham.
- 1ST DERBY.—1852, March. *Enniskillen*, J. Whiteside (Solicitor General for Ireland), opposed by J. Collum.
- ABERDEEN.—* 1853, January. *Halifax*, Sir C. Wood (President of the Board of Control), opposed by H. Edwards.
- * 1853, January. *Oxford University*, Right Hon. W. E. Gladstone (Chancellor of the Exchequer), opposed by D. M. Perceval.
- 1853, January. *Southampton*, Sir A. J. E. Cockburn (Attorney General), opposed by A. D. W. Baillie-Cochrane.
- 1853, January. *Gloucester*, Admiral Berkeley (a Lord of the Admiralty), opposed by H. T. Hope.
- 1853, April. *Athlone*, W. Keogh (Solicitor General for Ireland), opposed by T. Norton (Liberal).
- 1854, February. *Louth County*, C. S. Fortescue (a Lord of the Treasury), opposed by J. M. Cantwell (Liberal).
- 1ST PALMERSTON.—1855, March. *Portsmouth*, Viscount Monck (a Lord of the Treasury), opposed by Serjeant Gaselee (Liberal).
- 2ND PALMERSTON.—1859, June. *Newcastle-on-Tyne*, Right Hon. T. E. Headlam (Judge Advocate General), opposed by W. Cuthbert.
- 1859, June. *Norwich*, Viscount Bury (Treasurer of the Household), opposed by Sir S. Bignold.
- 1859, June. *Bedford*, S. Whitbread (a Lord of the Admiralty), opposed by Capt. Polhill-Turner.
- 1859, June. *Sandwich*, E. H. Knatchbull-Hugessen (a Lord of the Treasury), opposed by Sir J. Fergusson.
- * 1859, July. *Oxford University*, Right Hon. W. E. Gladstone (Chancellor of Exchequer), opposed by the Marquis of Chandos.
- 1859, August. *Hertford*, Right Hon. W. F. Cowper (Vice President of the Board of Trade), opposed by R. Dimsdale.
- 1860, March. *Cork County*, Right Hon. R. Deasy (Attorney General for Ireland), opposed by Viscount Campden.
- 1864, June. *Winchester*, J. Bonham-Carter (a Lord of the Treasury), opposed by C. Lempriere.

- 3RD DERBY.—1866, July. *Guildford*, Sir W. Bovill (Solicitor General), opposed by H. L. Long.
 1866, August. *Galway Borough*, M. Morris (Solicitor General for Ireland), opposed by N. Stubber.
- 1ST GLADSTONE.—1869, November. *Whitby*, W. H. Gladstone (a Lord of the Treasury), opposed by W. C. Worsley.
 1870, February. *Londonderry*, R. Dowse (Solicitor General for Ireland), opposed by R. Baxter.
 1871, November. *Dover*, G. Jessel (Solicitor General), opposed by E. W. Barnett.
- * 1872, August. *Pontefract*. Right Hon. H. C. E. Childers (Chancellor of the Duchy of Lancaster), opposed by Viscount Pollington. (This was the first election after the passing of the Ballot Act.)
 1873, October. *Taunton*, Sir H. James (Solicitor General), opposed by Sir A. Slade, Bart.
 1873, November. *Haverfordwest*, Lord Kensington (a Groom in Waiting), opposed by Colonel Peel.
- 2ND DISRAELI.—1874, March. *Dublin County*, Right Hon. T. E. Taylor (Chancellor of the Duchy of Lancaster), opposed by C. S. Parnell. (This was Parnell's first appearance in political life.)
 1874, March. *Eye*, Viscount Barrington (Vice-Chamberlain of the Household), opposed by C. Easton.
 1875, December. *Whitehaven*, G. A. C. Bentinck (Judge Advocate General), opposed by C. Thompson.
- 2ND GLADSTONE.—1880, May. *Mallow*, W. M. Johnson (Solicitor General for Ireland), opposed by R. W. Kelly (Home Ruler).
 1884, November. *Scarborough*, W. S. Caine (a Lord of the Admiralty), opposed by Sir G. Sitwell.
- 1ST SALISBURY.—* 1885, July. *Woodstock*, Lord Randolph Churchill (Secretary for India), opposed by C. B. Grant.
 1885, July. *Eye*, E. Ashmead-Bartlett (a Lord of the Admiralty), opposed by M. L. Hawkes.
 1885, July. *Down County*, Lord Arthur Hill (Comptroller of the Household), opposed by J. S. Brown.
- 3RD GLADSTONE.—* 1886, February. *Newcastle-on-Tyne*, Right Hon. J. Morley (Chief Secretary for Ireland), opposed by C. F. Hamond.
 1886, February. *Grimsby*, Right Hon. E. Heneage (Chancellor of the Duchy of Lancaster), opposed by Col. Campbell-Walker.
 1886, February. *South Hackney*, Sir C. Russell (Attorney General), opposed by Sir A. Scoble.
 1886, February. *Cardiff*, Sir E. J. Reed (a Lord of the Treasury), opposed by J. T. D. Llewelyn.
- 2ND SALISBURY.—* 1886, August. *Tower Hamlets—St. George's*, Right Hon. C. T. Ritchie (President of the Local Government Board), opposed by R. Eve.
 1889, September. *Lincolnshire—Sleaford*, Right Hon. H. Chaplin (President of the Board of Agriculture), opposed by F. Otter.
 1891, October. *North East Manchester*, Sir J. Fergusson, Bt. (Postmaster General), opposed by C. P. Scott.

- 4TH GLADSTONE.—*1892, August. *Derby*, Sir W. Harcourt (Chancellor of the Exchequer), opposed by H. J. Farmer-Atkinson.
- *1892, August. *Newcastle-on-Tyne*, Right Hon. J. Morley (Chief Secretary for Ireland), opposed by P. Ralli.
- 1893, December. *North East Lancashire—Accrington*, J. F. Leese (Recorder of Manchester), opposed by R. T. Hermon-Hodge.
- LORD ROSEBURY.—1894, March. *Leith*, R. C. Munro-Ferguson (a Lord of the Treasury), opposed by W. A. Bell.
- 1894, March. *Hawick Burghs*, T. Shaw (Solicitor General for Scotland), opposed by R. W. McL. Fullerton.
- 1894, April. *North Cambridgeshire*, the Hon. A. G. Brand (Treasurer of the Household), opposed by S. G. Stopford-Sackville.
- 3RD SALISBURY.—1895, September. *Dublin—St. Stephen's Green*, W. Kenny (Solicitor General for Ireland), opposed by P. Mahony.
- MR. BALFOUR.—1902, August. *West Kent—Sevenoaks*, H. W. Forster (a Lord of the Treasury), opposed by B. Morice.
- *1903, October. *Warwick and Leamington*, Right Hon. A. Lyttelton (Colonial Secretary), opposed by T. H. D. Berridge.
- *1903, October. *West Belfast*, Right Hon. H. O. Arnold-Forster (Secretary for War), opposed by P. Dempsey.
- 1903, November. *North Lancashire—Chorley*, Lord Balcarres (a Lord of the Treasury), opposed by J. Lawrence.
- 1905, June. *South-west Sussex*, Lord Edmund Talbot (a Lord of the Treasury), opposed by J. E. Allen.
- MR. ASQUITH.—*1908, April. *Deesbury*, Right Hon. W. Runciman (President of the Board of Education), opposed by W. B. Boyd-Carpenter and B. Turner.
- 1909, March. *South Edinburgh*, A. Dewar (Solicitor General for Scotland), opposed by H. B. Cox.
- 1909, April. *Denbighshire*, E. G. Hemmerde (Recorder of Liverpool), opposed by Sir F. Cunliffe, Bt.
- *1909, July. *North Riding of Yorkshire—Cleveland*, Right Hon. H. L. Samuel (Chancellor of the Duchy of Lancaster), opposed by J. W. Lewis.
- 1909, July. *Derbyshire—High Peak*, O. Partington (a Lord of the Treasury), opposed by A. Profumo.
- 1909, July. *Dumfries district*, J. W. Gulland (a Lord of the Treasury), opposed by J. B. Duncan.
- 1910, March. *Tower Hamlets, St. George's in the East*, W. W. Benn (a Lord of the Treasury), opposed by P. C. Simmons.
- 1910, November. *Essex, Walthamstow*, Sir J. A. Simon (Solicitor General), opposed by L. S. Johnson.

Reviews of Books

The Roman Republic. By W. E. HEITLAND, M.A. 3 vols. (Cambridge: University Press. 1909.)

The Roman Assemblies, from their Origin to the End of the Republic. By G. W. BOTSFORD. (New York: The Macmillan Company. 1909.)

THESE two books may be conveniently noticed together, although their form and scope are different, since the prickly problems of Roman constitutional development are handled by both writers, and a comparison of their views and methods may be instructive. Much has been written of late years about the Empire—naturally enough, by reason of the mass of fresh detail furnished to the historian by the archaeologist and epigraphist—and the history of early Rome has been unduly neglected, save by Italian scholars; but the volumes which are before us represent a serious effort to make good the defect. Mr. Botsford's work is something more than a monograph, for there is scarcely a question regarding the internal history of Rome which he does not touch in the course of his survey of republican legislation, but it is written in the 'monographic' style, with a profusion of footnotes (extremely valuable on account of their references to the ancient and modern authorities) and a studied absence of literary grace (we must enter a protest against 'bossism,' p. 441). Mr. Heitland, on the other hand, aims at rhetorical effect, and his narrative is generally readable and not lacking in *verve*. Now and again he strikes a false note in his attempts at pretty phrase-making. 'The tail of the Roman wolf had been twisted in contempt and defiance' (vol. ii. p. 343); 'In politics he [Sulla] did not see his way to doing anything without a cleaning of the slate, so he washed it in blood, drew on it a reactionary scheme of government, and laid it aside' (vol. ii. p. 495), are examples of his less successful efforts, and we must thank him for a delicious mixed metaphor in vol. iii. p. 264: 'Some of Rome's foul linen was exposed just when the existence of the Republic was menaced by the gathering storm.' Occasionally, too, there is a slovenly phrase, *e.g.* 'Voters . . . had each one vote in his own tribe' (vol. i. p. 93), 'Whether Pompey took part in this part of the operations has been doubted' (vol. iii. p. 51), 'By giving him freedom he became a freedman-citizen' (vol. iii. p. 504). These are signs that the *labor limae* has been grudged.

It is in dealing with the growth of Roman institutions that the two books naturally challenge comparison. Mr. Heitland's first volume, save for its lengthy and illuminative treatment of the Hannibalic war (pp. 224–355), is the least interesting of the three, and, in spite of the words in his

preface, 'a political study is my main object,' we should almost be tempted to think that the author was himself less interested in the obscure growth of Rome than in the working of her constitution in the full daylight of history. Difficulties are often brushed away; 'we have no time to dwell' on the details of the fall of the decemvirate (p. 72); an extremely condensed statement of one possible theory of constitutional change is given, closing with the words, 'but this is hypothesis' (p. 131). Mr. Botsford, on the other hand, was constrained by the plan of his book to spare no detail which could assist in determining the balance of rival theories: there is not a problem recently debated—such as the grounds of distinction between *patres* and *plebs*, the history of the *gens* or the origin of the *concilia plebis* and *comitia tributa*—which he does not attack with all the resources of erudition. It is unfortunate that he did not become acquainted with Professor Ridgeway's tract in time to express a view as to the probability of the hypothesis that the patriciate was of Sabine stock. Mr. Heitland gives it a paragraph (p. 49) and inclines to accept the new view. He points out however that the argument from burial-customs is weakened by the fact that the patrician Cornelii practised inhumation until the time of Sulla; he might have added that the inhabitants of the *terremare*, who should be 'Ligurians' and akin to the *plebs* on Professor Ridgeway's theory, cremated their dead.

It is impossible here to discuss Mr. Botsford's researches chapter by chapter, but that which deals with the famous distinction between *comitia* and *concilium* deserves special attention. The well-known dictum of Laelius Felix—*is qui non universum populum, sed partem aliquam adesse iubet, non comitia sed concilium edicere debet*—is here subjected to a searching criticism, the upshot of which is 'to banish the expressions *concilium tributum plebis* and "patricio-plebeian" *comitia tributa*—the former as impossible, the latter as unnecessary—from the nomenclature of Roman public law.' The strength of Mr. Botsford's argument lies in his exhaustive analysis of the usage of Cicero and the historians (especially Livy), whose terminology (as he has no difficulty in showing) is not consistent with the definition of Laelius. Mr. Botsford has of course laid under contribution the articles *comitia* and *concilium* in the *Thesaurus Linguae Latinae*, and reproduces much of the material there collected. There is little to criticise here. The list of passages printed on p. 133 f., and described as 'nearly exhaustive,' can be supplemented by a few Ciceronian instances (some given by Mr. Botsford himself in other contexts), as Cic. *Att.* iii. 14, 1, 2; iv. 15, 8 (a duplicate of *Q. F.* ii. 14 (15b), 4, quoted on p. 126, but also omitted in the list before us); *Fam.* viii. 12, 4 (add. Weiske).¹ But such trifles do not affect the general result, which is to show (*inter alia*) that *comitia* is the term in general use for *electoral* assemblies, whether comprising the whole or only a part of the *populus*. But is this conclusive as to the strict technical use? The distinction between *comitia* and *concilium* was of sufficient importance to be observed in legal documents such as the *Lex Bantina*, and however loose Livy may be in his ordinary language, such a passage as xxxix. 15, 11—*cum aut comitiorum causa exercitus eductus*

¹ On p. 129 Mr. Botsford gives a list of passages in which 'he [Cicero] speaks of *Comitia* . . . of seventeen tribes for the election of *Sacerdotes*.' In two of these it is not Cicero but Caelius who speaks.

esset aut plebi concilium tribuni edixissent aut aliquis e magistratibus ad contionem vocasset—presupposes a lively sense of the specific meaning of the terms. Moreover, it can hardly be disputed that the parallel distinction between *lex* and *plebiscitum* had, at any rate in early times, a real importance in Roman constitutional law and practice, however much it may have been blurred by the time that the agrarian measure of C. Gracchus could be formally described as the *lex plebive scitum quod C. Sempronius Ti.f. tr. pl. rogavit*. Here, at least, the authority of Laelius Felix is supported by that of other jurists. But Mr. Botsford is unwilling to admit the existence of separate assemblies of the *plebs* except for the period immediately following the Lex Publilia of 339 B.C., which he supposes to have excluded patricians from the *comitia tributa*, a 'state of affairs . . . formulated in the antiquarian and juristic definitions of *populus* and *plebs*, *lex* and *plebiscitum*; the condition however seems to have been only transient' (p. 301). That the Lex Publilia *did* exclude patricians from the *comitia* is, of course, not stated by any ancient authority; it is an hypothesis for which none but *a priori* arguments, and those of no great cogency, can be advanced, and we are loth to accept it. If we turn to Mr. Heitland's pages, we shall find no hint that the right of patricians to take part in the assemblies of the *plebs* has been maintained; in fact, his treatment of these questions is decidedly summary.

As the history advances, the points of contact between the two writers become fewer; it is interesting however to compare their solutions of some vexed problems of constitutional change. Both suggest that a reconciliation of the conflicting statements about the registration of the new citizens in 89 B.C. is to be sought by counting the *eight* tribes of Velleius with the *two* of Sisenna so as to arrive at the *ten* of Appian; but in their development of the idea they differ widely. Mr. Heitland's calculations—too elaborate to be reproduced here—seem rather fanciful. Mr. Botsford assumes that Velleius refers to newly created tribes, which gives a forced meaning to his words. On the proposals of C. Gracchus for the extension of the franchise neither has anything better to suggest than the view so confidently put forward by Mommsen, that Latins were to receive full citizenship, while non-Latins were to be raised to the Latin status; the latter proposition is not to be extracted from Appian and Plutarch, and it is possible that the authority of Velleius has here been underrated. Finally, both writers assume that the 'Table of Heraclea' contains the *Lex Iulia municipalis*, a proposition which certainly requires proof; Mr. Botsford, at any rate, recognises that it has been disputed, and that the inscription of Patavium which mentions a *lex Iulia municipalis* has no necessary connexion with that of Heraclea. Mr. Heitland, by the way, cites this (as he does other inscriptions) from Wilmann's collection (cf. vol. ii. p. 263); it is more convenient to have Dessau's numbering, since his *Inscriptiones Latinae selectae* now holds the field. Mr. Heitland however is not always so careful as he might be in the matter of references. 'Marquardt, *Staatsverwaltung*, pp. 430 foll.' (vol. ii. p. 355 n.) seems to refer to vol. ii. of that work; while in 'Marquardt, *Stw.* i. 218' (vol. iii. p. 135 n.) the page cited should rather be 298 (218 is less apposite).

The above criticisms have borne mainly on points of detail. Mr.

Botsford's work, indeed, can scarcely be criticised on other lines, for its usefulness resides in the mass of details which it gathers together. Whether the compromise between narrative and doctrinal treatment is satisfactory may be doubted: Lange's *Römische Altertümer* should have served as a warning against such attempts. But the book is one which will be largely used for purposes of reference; and it contains a bibliography (or rather a series of bibliographies) which are nearly exhaustive. One or two dissertations (such as that by F. Ruppel, on the distinction between *comitia tributa* and *concilium plebis*) might have been added with the aid of the articles in Pauly-Wissowa, which are not otherwise of very high value; and we should have liked to see some recognition of the superiority of Mr. Strachan-Davidson's weighty articles in the *Dictionary of Antiquities* to the compilations produced in Germany.

Mr. Heitland's narrative becomes fuller as the work proceeds. It has been mentioned above that his account of the Punic Wars is exhaustive: but the earlier history of Roman expansion is summarily treated—indeed, it is packed into some forty-five pages of the first volume. Little use is made of archaeological evidence: Helbig's monographs, for example, in *Hermes*, the *Abhandlungen* of the Bavarian Academy, and the *Mémoires de l'Académie des Inscriptions* are not laid under contribution, and (to come down to a later period) we should hardly have been told that the exact position of Numantia 'is even now only determined by conjecture' (vol. ii. p. 185) if Mr. Heitland had read Schulten's account of the recent excavations on the site. Evidently his chief interest lies in the revolutionary period, to which almost eight hundred pages out of fourteen hundred are devoted; here he professedly gives every reference of importance, and though he disclaims any 'startling novelties in the way of interpretation,' his views are independent and freshly expressed. He is a far saner and safer guide than Signor Ferrero, whom he rarely follows, though he is inclined to accept the singular suggestion that Caesar's command in Gaul dated from 1 March, 59 B.C., because the Lex Vatinia was passed on that day. It is to be regretted however that he has not allowed more weight to the arguments of the Italian economists which tend to show that the disastrous effects ascribed by Mommsen and others to the competition of foreign corn are exaggerated; the more so as his sections on social life and economic conditions are otherwise sound and valuable. On the city of Rome Mr. Heitland writes without the *Anschauung* of the archaeologist; he scarcely does justice, for example, to the transformation which must have taken place in the second century B.C. under Greek influence in the ungrammatical sentence in vol. ii. p. 246, 'with the exception of the Greek works of art . . . it does not seem that much was done to beautify the city.' There are hints that the antiquity of the 'Servian' wall and the inclusion of the Aventine in the city of the kings have been called in question: but they do not go beyond an occasional reference to Pais' *Ancient Legends*.

In the perennial strife between the admirers of Caesar and those of Cicero Mr. Heitland sides on the whole with the former, rejecting Ferrero's pathological analysis of the Dictator's character: 'neither self-centred, nor nervous, but serenely brave . . . a man of steely mettle with no fears and few scruples, he was to the end' (vol. iii. p. 371). Of Cicero it

is said that 'far the greater part of his energies was devoted to screening infamous offenders'; surely this is a little less than just. And were the tools whom Caesar used a whit less infamous?

Mr. Heitland tells us that he has 'aimed at completeness' in his index, not scrupling to refer to the same detail under different heads. It is therefore curious to find many Italian towns apparently omitted—till we meet with their names in the list of *Coloniae*: also to see 'Minucii' after 'Mithradates' and 'Mitylene' before 'miser.'

H. STUART JONES.

Geschichte der römischen Kaiser. Von ALFRED VON DOMASZEWSKI. 2 vols. (Leipzig: Quelle und Meyer. 1909.)

THE expectations raised by the title of this work in the minds of those who are acquainted with the erudite and suggestive monographs of its author will hardly be fulfilled. It was natural to suppose that he would give us the handbook of Imperial history, as fully 'documented' as that of Schiller, and vastly more penetrating, whose coming is still awaited by scholars. But from the task of writing such a history Professor von Domaszewski has shrunk, as others have before him. There is not a footnote nor a reference throughout his two volumes; and the dedication 'To German readers' is explained in a brief preface, which is worth quoting.

I had the cultured public in my mind, when I endeavoured to bring to life the figures of the Emperors in the natural language of the German. Through the meditations of long years these Roman Emperors had grown into living forms in the prison of my library. They sat on the shelves, the chairs, even on the writing-desk, until the ghostly surroundings became a torment. And so I wrote in order to deliver myself therefrom.

These words disarm criticism: the 'natural language of the German' is a different thing from that of the Englishman, and works intended for the cultured public do not call for minute discussion in the columns of this Review. The German reader will appreciate the following reflexions on the 'slanging-match' conducted by Arminius and Flavius from opposite banks of the Weser:

The moderns are sceptical as to the lung-power of these heroes, who could after all never have heard each other across the river; but even after thousands of years we can recognise to our sorrow the German's habit of paying honour to the alien in freedom of spirit—and forgetting his own nobility, so immeasurably superior to that of any foreigner (vol. i. p. 207).

† The work forms two volumes, of 324 and 328 pages. Half of the first volume is devoted to the period 44–29 B.C., the remainder to the reigns of Augustus and Tiberius. The first half of the second volume brings the story down to the murder of Domitian, the next hundred pages carry us on to the death of Septimius Severus, and the rest of the emperors are disposed of in sixty pages more. The space given to the last civil wars and to the earlier dynasties seems disproportionately great, but where a continuous narrative exists, the author's plan is to reproduce it fully. The familiar judgments of Tacitus are as a rule accepted; Professor von Domaszewski is no lover of whitewash. His book therefore becomes

more interesting (though unfortunately less detailed) as we approach the period where he has to rely on the reconstructive methods which his great knowledge of inscriptions and monuments qualifies him to use. Those who are familiar with his contributions to periodical literature will recognise many *aperçus* now presented to a wider public. He is at his weakest in interpreting monumental evidence. The story of Trajan's Dacian wars is told according to the reconstruction attempted in a recent volume of *Philologus*, which unfortunately represents a reaction against the most certain results of Cichorius' and Petersen's studies of the column. The deductions drawn from the reliefs of the Aurelian column likewise rest on very insecure foundations.

We should have been glad of more light on the obscure but interesting problems of third-century Rome. The one emperor for whom von Domaszewski breaks a lance in opposition to the current view is Gallienus; the reason is not at first apparent, but on p. 305 the secret is revealed in the following sentences:

Without an aristocracy no society can subsist. The Emperor gave to the army a new aristocracy after the pattern of the Germans, whom he had met on many a field of battle. It was German loyalty, ready to sacrifice its life for the War-lord,¹ that he endeavoured to infuse into his army (vol. ii. p. 305).

Thus the 'German reader' comes by his own again!

A few pages later we learn that the reform of the army connected with the titles of Palatini and Comitatuses was the work of Aurelian; if Professor von Domaszewski has the proofs of this at his command we hope that he will adduce them. It will be still harder to prove that Aurelian's great temple of the Sun-God was 'on the Quirinal' (p. 315); Ulrichs long since showed that it was in the Campus Martius. But the book has, as we should expect, the merit of being exceedingly accurate in its statements: 'Claudia Polla' for 'Claudia Pulcra' (vol. i. p. 239)—who, by the way, was not niece but great-niece of Augustus—is a mere slip. It is admirably illustrated with reproductions of imperial portraits, chosen by Franz Studniczka with excellent judgment.

H. STUART JONES.

Geschichte der deutschen Stämme bis zum Ausgange der Völkerwanderung.

Von LUDWIG SCHMIDT. I.: *Die Geschichte der Ostgermanen.* (Berlin: Weidmann. 1910.)

THE number of books dealing with the establishment of the Germanic tribes within the Empire is very large; but the very fact of the popularity of the subject leads to the production of many monographs dealing with special points, and a new general work covering the whole field and embodying the results of recent research is therefore by no means superfluous, even the great work of Dahn being now in part antiquated; and for this task no one is better qualified than Professor Schmidt, whose *Geschichte der Wandalen*² is well known. The present work is not indeed quite

¹ The word is *Heerkönig*, not *Kriegsherr*; but our translation gives the sense in a familiar form.

² See *ante*, vol. xix. 542.

new, for it had already appeared in three fascicules of Sieglin's *Quellen und Forschungen zur alten Geschichte und Geographie* (1904, &c.); but it is now published in more convenient form as a single book, and is brought up to date by means of a list of Addenda. The history of the Vandals (the section dealing with them is headed *Die Lugier*, a name which few will recognise) is given only very shortly, on the ground that the author has already treated it at length in his monograph on the subject, and ends with the occupation of Carthage; but, as one object of a work of this kind is to remove the necessity of constant reference to monographs, this seems an error of judgment. The history of the Ostrogoths also ends with the establishment in Italy, though that of the Visigoths is continued to the end of the Tolosan kingdom, and that of all other tribes except the Vandals and the Lombards to their final disappearance, an inconsistency which it is hard to explain.

To mention all the points on which the author breaks new ground would occupy too much space; but attention should be called to pp. 134, 135, where he places the Gothic invasion in the time of Leo in a new light by rejecting Jordanes' account of the march to Thessalonica and the establishment on the Thermaic gulf, and placing the death of Theodemir in 471 instead of 474. The difficulty of the Thermaic gulf concession has always been felt; and, as the expedition to Thessaly is certainly a confusion with a later campaign, there is considerable justification for rejecting the advance to Thessalonica also. The embassy of Hilarian however, whom we know from the Code to have been *mag. off.* at this time, is certainly historical and should not have been passed over in silence, especially as it confirms the new chronology; and, if we suppose the lands granted to have been those in Lower Moesia, where the Goths are next found, the sequence of events becomes perfectly clear. The author is very careful in tracing the steps by which the various tribes obtained their lands, first as *foederati*, then in sovereignty; but, though some interesting results are obtained, he perhaps presses the point rather too far. After all, when a warlike tribe was once settled within the empire, its legal position was of small moment, and the theory that the Visigoths after becoming a sovereign state returned to the position of *foederati* is a little difficult to follow.

Professor Schmidt's work is so accurate and his judgment so sound that it is not easy to find points to criticise: but the statement on p. 113 that mercifulness in a barbarian is incredible seems inconsistent with the opinions as to the comparative humanity of Romans and Goths expressed on pp. 215, 218, and the assertion on p. 313 that, if Theodebert had lived, he would probably have carried out his plan of taking Constantinople is astounding. The summary rejection of the exact date (14 June) for the retreat of the Huns from Orleans found in the Bern manuscript of the *Martyrologium Hieronymianum* (p. 247 note) also seems unjustifiable: such dates are not invented and are often accurate in the latest authorities. At p. 93 l. 20 '378' should clearly be '376' (the date of Valentinian's death), at p. 139 l. 1 'Marcianus' should be 'Martinianus,' and at p. 145 l. 9 'Moschios' should be 'Moschianus.' 'Avianismus' (p. 393 l. 24) is, I suppose, a misprint for 'Arianismus,' not a reference to flying. Other small misprints are to be found at p. 85 l. 18, p. 123 l. 8, p. 242 ult., p. 310 l. 3, p. 317 l. 21, p. 408 l. 9, and p. 440 penult. There is a useful map of

the Danubian and Euxine provinces, but it is unfortunate that the provincial divisions of the fifth century are not given, and a map of Gaul is badly wanted. A map of the neighbourhood of Ravenna is also included in the volume; but, as it is of the sixteenth century, it seems strangely chosen to illustrate the operations of 491.

E. W. BROOKS.

Manuel de l'Art Byzantin. Par CHARLES DIEHL. (Paris: Picard, 1910.)

DURING the last twenty years the importance of Byzantine art in the history of European culture has received increasing recognition, the problems of its origins and its influence have been more fully appreciated and more keenly discussed, a number of significant monuments, especially in Egypt and Syria, have been for the first time investigated, and a large literature, relating both to the principal and the minor branches of art, has accumulated. In these studies the now famous name of Strzygowski stands for more than any other: not only by numerous publications of new monuments has he added to knowledge, but his revolutionary theories have done much to guide or to provoke research. Both those who are specialists and those who are not will welcome a general survey of the whole development of Byzantine art in the light of recent knowledge and new points of view. Since Bayet's excellent little book, but now perhaps prehistoric (1883), the subject has not been treated as a whole, except as a section or article in larger works (like Millet's review in Michel's *Histoire de l'Art*, or Leclercq's in Cabrol's *Dictionnaire d'Archéologie chrétienne*) or as part of the general history of European art (as by Kraus and Mr. Lethaby). M. Diehl, whose earliest publications were studies of the monuments of Ravenna and of the monastery of Stiris in Phocis, and who has since then by his historical researches won the position of leading Byzantinist in France, has performed a service for which we owe unreserved gratitude, in producing this masterly and profusely illustrated handbook of 800 pages, describing the historical development of the art of Byzantium in all its branches.

The author hastens at the very outset to define his attitude to the question *Orient oder Rom?* and the doctrine of Strzygowski. In opposition to Wickhoff's view of an imperial art emanating from Rome and diffusing its influence throughout the Empire, the professor of Graz claimed for the East—Egypt, Syria, and Asia Minor—the influential rôle which Wickhoff assigned to Rome; those countries, their great cities rather than the hinterland, brought forth the new world-art which was to find its principal field in the service of the church. M. Diehl reminds us that in 1884 Choisy had defined Byzantine art as 'the Greek spirit operating, in the midst of a half-Asiatic society, on elements borrowed from old Asia'; and though he does not agree with Strzygowski in every detail, he subscribes to the main thesis that the origins of Christian and Byzantine art are to be sought in the East and not in Rome. 'In the fourth and fifth centuries this art, far from receiving anything from Rome, developed outside it by uniting Hellenism with the East, and exercised throughout the Christian world and in Rome itself a preponderating influence' (p. 18). In the fifth century, Constantinople became the focus; there the art which had grown

up in the Hellenistic centres found its unity, and from these asserted its supremacy over the world.

The importance of the artistic traditions in Syria, Egypt, and Asia Minor, in the genesis of the art which culminated in the age of Justinian, has been established by Strzygowski and Ainalov, but the complete exclusion of Rome cannot be so easily accepted. I cannot help thinking that, so far as architecture is concerned, M. Diehl has not sufficiently considered the weighty arguments of Signor Rivoira, whose minute technical knowledge of the architectural monuments of medieval Europe is probably unrivalled. The question cannot be considered settled as against Rome, when a specialist like Signor Rivoira claims Roman influence even on buildings of the sixth century at Constantinople, such as the churches of St. Sophia and SS. Sergius and Bacchus, and actually finds himself led to believe that 'Anthemius studied on the spot the great buildings of Rome in order to base on them his plans for St. Sophia.'¹ At Ravenna the opposing views are closely confronted and the discordance is sharply defined. For M. Diehl, Ravennate architecture is Byzantine. Signor Rivoira establishes a school of Ravenna, totally distinct from the Byzantine, a school which had derived the traditions of scientific construction from Rome, through Milan, and distinguishes two phases, the Romano-Ravennate which was purely Italian, 'seeing that not one of its distinctive features had previously made its appearance in the East,' and (in the sixth century) the Byzantino-Ravennate, 'based on principles derived from Rome and Ravenna, together with suggestions drawn from the school of Salonica.'²

In regard to what is known as *die byzantinische Frage*, the extent of the influence exercised in later times by Constantinople on the art of Western Europe, M. Diehl wisely lays down that it must be discussed regionally, and that the answers differ for different regions. I may note his discreet treatment of the influence at Monte Cassino of the Greek artists who came to decorate the basilica of the monastery in the eleventh century. The church of San Angelo in Formis, at Capua, is a striking example of the necessity of caution. The frescoes have been claimed as typically Byzantine, while others have asserted that they owe nothing directly to the East. We have to distinguish between the paintings of the narthex and apse and those of the nave. The former were executed by Greek masters, the latter are Byzantine in technique but western in arrangement and iconography. In general, M. Diehl ascribes to Constantinople a regulative influence—this hardly applies much to architecture—over the development of western art in the middle ages; and he has rightly insisted on the important part played by textile fabrics and the products of the jeweller's art in diffusing Byzantine motives and ideas throughout Europe.

The author treats with insight and lucidity the effects of the iconoclastic movement on art, and describes at length, in fascinating pages, the first Renaissance, which we associate with the Basilian monarchs, but which was really inaugurated by their predecessors. His observations on the second Renaissance in the time of the Palaeologi deserve particular attention. The pictorial art of the thirteenth and fourteenth centuries, which may be studied in the Chora church at Constantinople, at Athos and at Mistra, in

¹ *Lombardic Architecture*, i. 79.

² *Op. cit.* i. 83.

Trebizond and Arta, was not splendid or luxurious, like that of the Macedonian period; it reflects the poverty of the small Greek states in which it flourished; the great days of the jewellers, enamellers, and ivory-workers were over. But the artists have a certain fresh inspiration; their work is *plein de mouvement, d'expression, de pittoresque, curieusement épris d'observation réaliste et vraie*. What was the cause of this revival? M. Diehl considers and rejects two hypotheses—the influence of the contemporary Italian painters, and the startling theory that the frescoes and mosaics in question are little more than copies of old Syrian compositions. He finds a more probable explanation in the atmosphere of the sentiments of Hellenic patriotism which were awakened in the declining years of the Eastern Empire.

Dans cette Byzance mourante, on voit brusquement reparaitre les grands noms des Périclès, des Thémistocle, des Epaminondas, et se raviver le souvenir de ce que ces glorieux ancêtres firent jadis 'pour la chose publique, pour la patrie.' A la veille de la ruine, l'hellénisme reprend conscience de lui-même, de son rôle, de sa grandeur: et si vaines que puissent sembler ces aspirations, ici aussi, obscurément, se prépare l'avenir. Est-il croyable que, dans un tel milieu, l'art seul soit resté immobile?

J. B. BURY.

Histoire de la Dime Ecclésiastique. Par PAUL VIARD.

(Dijon: Jobard, 1909.)

M. VIARD, a graduate in history, law, and economics of Dijon, has written a very clear and useful history of tithe, chiefly in France but with frequent reference to Germany and Italy, down to the Decretum of Gratian. The list of cartularies and other printed authorities that he has consulted is imposing, and that of later writers considerable, but M. Viard does not do himself full justice. He omits Pollock and Maitland, though the *History of English Law* is cited in his notes. There is nothing novel in the general conclusion that the moral obligation of paying tithe was commonly taught from the year 400, and legally enforced in the Carolingian Empire from 779, but the gradual growth of the payment in different regions is well illustrated, and the arguments for and against its enforcement and the resistance it sometimes met are pleasantly recounted. Though once or twice M. Viard opposes Stutz, he is usually, and wisely, content to state the scattered evidence without attempting to generalise. He sees that canons of local councils, positive in terms, were in effect merely hortatory, and that it was often impossible to enforce the law or withstand aggression. The subject is so wide and the evidence of varying custom and conflicting claims so puzzling that M. Viard's collection of instances is rather material for history than history itself. Sometimes he would have done well to adduce examples from our islands; the *quarta pars episcopalis* lasted at Tuam till the eighteenth century, and the sham monasteries of Bede's epistle to Egbert would have thrown light upon the abuse of lay tithe in the same age in France. The most important section is that entitled *La dime féodale*, dealing with the period from 887 to 1150. In it the development of the tithe system in its legal aspects and practical incidence is explained as clearly as is possible. Not that much clearness can be attained in a story where everyone is playing the aggressor and striving to exact more

than he can justly claim, or else to escape payment altogether. But the general policy of the popes to sanction the annexation of churches with their tithes to religious houses is brought out, as is the gradual systematisation of the charge, the distinction between great and small tithe, and similar points. M. Viard stops short before the establishment of regular vicarages, but gives instances of the apportionment of a third to the curate. We hear something, but less than we could wish, about the stage when churches, and with them their tithes, were private property. The preponderance of the monastic orders in France is curiously illustrated when M. Viard tells his readers, as a fact they are likely to be ignorant of, that in the middle ages a good deal of tithe belonged to chapters and parish churches. But the points of interest in detail are countless; a chapter on tithe in the kingdom of Jerusalem is among the best. The system was purely French, and between patriarch, bishops, chapters, monks, and military orders little tithe seems to have been left for the parish clergy. In spite of too many errors of the press M. Viard has produced a book which will be particularly useful to English readers, not only as illustrating canon law but as furnishing a multitude of well-chosen instances in which we can mark resemblance or contrast to English practice.

E. W. WATSON.

Le Origini dello Stato della Chiesa ; Storia documentata. Da AMEDEO CRIVELLUCCI, Professore ordinario di Storia moderna nella R. Università di Pisa. (Pisa. 1909.)

THIS book is the second part of the third volume of Professor Crivellucci's *History of the Relations between the State and the Church*, and is also a republication of the chapters on the same subject which appeared in his *Studi Storici* between 1901 and 1909. The professor in his short preface disclaims all pretensions to have written *sine ira et studio*. 'It is,' he says,

a history more than a thousand years old, but it is also for us Italians contemporary history, and I do not pretend to have written it dispassionately. I only beg any critic who may accuse it of partisanship (*tendenziosità*) not to make general assertions of this kind, but to point out where passion has clouded my vision or caused me to affirm or to keep silence where I could have done otherwise. This is all that I ask of my critics.

The student of Crivellucci's other writings will have no difficulty in divining on which side his *tendenziosità* will cause him to lean. He is frankly an opponent of the temporal power of the papacy; he does not believe that it was ever a necessity for Italy or for Rome; he does not think there was any need to invoke Frankish aid against the Lombards. He accepts the statement of Monsignor Duchesne, that

there was throughout the middle ages more or less of an incessant contest between the clerical and the lay aristocracies of Rome, a conflict which did not cease nor was order restored till the fifteenth century, when the pope succeeded in establishing in his traditional dominions a very strong personal government—what the ancients would have called a *tyrannis*, analogous to that of the Medici at Florence, of the Viscontis and the Sforzas at Milan.

On this Signor Crivellucci remarks :

Till the fifteenth century ! Nothing less. Order not restored till then ! And what order even then ? That of the Borgias, that of the Landsknechts. In short, the help of the Franks, reinforcing the ecclesiastical which was the weaker party physically, only perpetuated the conflict, and originated that hybrid organisation contrary to every principle divine or human which was the pontifical state, and which only modern civilisation has caused to disappear.

Throughout Signor Crivellucci's book there runs a more or less manifest opposition to the arguments of Monsignor Duchesne in his monograph, *Les premiers Temps de l'État pontifical*. He speaks in terms of high praise of his antagonist, whose work, as he truly says, 'is the *résumé* of a broad and impartial critical examination both of the sources and of the literature of the subject, in such wise that it is difficult for the reader not to accept the results arrived at.' But for all that he does differ, courteously but decisively, throughout 350 pages, and chiefly on such points as these :

(1) It is not true, or at any rate it is an unproved assumption, that Rome could not have remained under the Byzantine Empire. (2) Nor is it true that she had come to the parting of the ways between autonomy and subjection to the Lombards : nor that there was necessarily an absolute opposition between these two conditions. Nothing proves that the Lombard kings would have wished to transfer their capital to Rome. Aistulf would have been satisfied if he had subjected the Roman citizens to a species of vassalage. St. Peter would probably have been loaded with gifts by Lombard, as he was in fact by Frankish, sovereigns, and his treasury would not have been considered the municipal chest of the province and subject to its liabilities.

All this is fully admitted by his opponent, but the Monsignor goes on to assert that, as a matter of national self-respect, the citizens of Rome and the pope as their head could not allow themselves to be made subject to Lombard barbarians.

(3) Not at all, says Crivellucci. The Lombards were at any rate not more barbarous than the Franks, and the fierce national antipathy, which undoubtedly did prevail at the end of the sixth century, had greatly disappeared by the middle of the eighth century. The old terms of contempt for the 'stinking leprous Lombards' had perhaps never been much used outside of the papal chancery, and were now losing their power. The frequent examples which history affords of the voluntary submission of Italian cities to the Lombard kings ; even the proposal made by Italian catholics to join forces with the Lombards and embark in a kind of crusade against the iconoclasts of Constantinople, all show that there was no such unbridgeable chasm as Duchesne discovers between the race patriotism of the Romans and their Lombard neighbours. (4) No ; the reason for invoking Frankish aid was not racial nor even strictly speaking religious (for Romans and Lombards were now in entire accord on religious questions and united in upholding the use of the sacred images) : it was purely pontifical. It is most true that as pontiffs taking into account that which the Roman pontiff had become, Stephen and Paul and Hadrian were irresistibly impelled to claim for themselves the direction of the new state.

This is the thesis which Crivellucci sets himself to prove in his elaborate investigation of the history of the papacy from the election of Pope Gregory II in 715 to the fall of the Lombard monarchy in 774. Beyond the latter date he does not travel in this volume, but he drops a hint of his

opinion respecting Pope Leo III's action on Christmas Day 800. He thinks that the pope was seriously afraid of the success of Charles' suit for the hand of the dowager empress Irene, that he feared the consequences which might from this reunion of the empire result to the new order of things which the popes had succeeded in establishing in Central Italy, and on this account made separation inevitable and eternal, by placing the imperial crown on the head of the Frankish king.

I have only undertaken to set forth the argument of this book. It is not for me to attempt to decide between two such well-trained combatants as Monsignor Duchesne and Signor Crivellucci. Though in the main I agree with the latter in thinking that the establishment of the temporal power of the popes was a disaster for Italy and for the Christian church, I think he rather underrates the discomforts and even the dangers of the popes' position as subjects of the Byzantine emperor. He quotes with approbation the candid admission of Monsignor Duchesne that 'in going out of the Roman empire, in Rome ceasing to be Roman, an act of political sacrilege was committed,' and having got the admission from his antagonist he dwells upon it and uses it to the uttermost. But in all fairness we surely ought to remember how many things—wholly independently of the iconoclastic controversy—the Roman pontiffs had endured at the hands of the emperors at Constantinople. The deposition of Silverius, and the transportation, imprisonment, and persecution of Vigilius by the emperor Justinian, the sharp and severe rebukes addressed even to the transcendent Gregory I by the emperor Maurice, the heartless cruelty practised upon the invalid Martin by the emperor Constans II: these and other painful passages of arms between the civil and the ecclesiastical heads of Christendom doubtless long rankled in the recollections of the dwellers in the Lateran, and made them feel that for them the empire, nominally Roman but really Greco-Oriental, was no longer a refuge nor a home.

There is one point in Signor Crivellucci's argument which deserves special notice, as he therein deviates from the general verdict of historians. It relates to the official character of the *dux Romae* between the issue of the iconoclastic decrees in 726 and the papal appeal to Pippin in 753. We hear very little about the civil government of Rome during this interval, but there is a mention of a certain *Stephanus patricius et dux* under whose charge Pope Zacharias left the government of the city on his famous journey to Ravenna in 743. In this person the generality of previous students have seen an official deriving his authority from the emperor at Constantinople; but in an appendix of twelve pages Signor Crivellucci argues, I think convincingly, that we have here the beginning of something like Roman autonomy; that at the time of the publication of the iconoclastic decrees political relations between Rome and Constantinople were suspended, and that this *dux Romae* was chosen in some irregular fashion by the people or the aristocracy, or the soldiers of Rome (the author does not offer any opinion on this point), and that we thus have here at Rome an analogous phenomenon to that of the earliest doges of Venice and perhaps dukes of Naples. The point is one of importance to the author's argument, because he considers that one reason which caused the popes to welcome Frankish intervention was their fear of a rival administrative

power growing up in Rome itself, to which they would have to yield an undesired obedience. According to the old proverb, 'When two men are on horseback one must ride behind.' I should have welcomed from such a hand as Crivellucci's a full discussion of the so-called papal donations, that of Constantine, of Pippin (at Carisiacum), and of Charles the Great (*a Lunis*).

One can heartily recommend this volume with its friendly rival the monograph of Monsignor Duchesne to any student desirous to master the history of that event so important to Italy and to Europe, the establishment of the temporal sovereignty of the bishop of Rome.

THOS. HODGKIN.

Kirchenrechtliche Abhandlungen. Herausgegeben von Professor Dr. ULRICH STUTZ. (Stuttgart: Enke.)

vi.-viii. : *Die Publizistik zur Zeit Philipps des Schönen und Bonifaz VIII.* Von Professor Dr. RICHARD SCHOLZ. (1903.)

lvii. : *Zwingli's Lehre von der Obrigkeit.* Von Dr. JAKOB KREUTZER. (1909.)

lviii. : *Die neueste Stand des Deutschen Bischofswahlrechtes.* Von Dr. ULRICH STUTZ. (1909.)

lix., lx. : *Die Verwaltung des Kölnischen Grossarchidiakonates Xanten.* Von Dr. JOSEPH LÖHR. (1909-1910.)

lxi. : *Nationalkirchliche Bestrebungen im Deutschen Mittelalter.* Von Professor Dr. ALBERT WERMINGHOFF. (1910.)

lxii. : *Huldentzug als Strafe.* Von Dr. RUDOLF KÖSTLER. (1910.)

lxiii., lxiv. : *Der Adel und die Deutsche Kirche im Mittelalter.* Von Professor Dr. ALOYS SCHULTE. (1910.)

WHEN we briefly noticed in 1909 (*ante*, vol. xxiv. 758-761) the first fifty-six parts of Professor Stutz's valuable series, we reserved for more extended treatment the important work which stands above at the head of our list. Professor Scholz's monograph is indeed one of the most important detailed studies in the political literature of the middle ages which have appeared since Mirbt's critical examination of the controversial tracts of the twelfth and thirteenth centuries, and there is much need for such works at the present time, if we are to clear away the remains of ignorance and prejudice which still prevent us seeing the middle ages clearly. For even quite learned historians still often betray their very slight acquaintance with the political literature of the middle ages, and allow themselves to repeat, without any serious consideration, general phrases about the character of medieval conceptions of society and government, which obviously rest upon no real acquaintance with medieval literature and theories, while on the other hand some writers on political theory lay a stress upon what were often merely individual or eccentric theories, which a closer knowledge of the historical conditions would tend to correct. Professor Scholz's work is admirable both in its detailed study of certain works, and also in its clear grasp of the general nature of the historical circumstances under which they were produced—that is, the circumstances of the struggle between Boniface VIII and Philip the Fair. Political tracts which otherwise might deserve little attention

become of serious interest when brought into close relation to the actual historical situation. This last phase of the great struggle between the temporal and the spiritual powers produced a crop of tracts and pamphlets, which are of great interest as showing some at least of the principles which governed the parties of the time, and of some considerable general historical importance as illustrating the last stages of the conceptions of the extreme ecclesiastical party in the middle ages.

Professor Scholz has classified these tracts under four heads, those which represent the views of the extreme papal party and of the papal court, those which represent an opposition to the pope within the college of cardinals, those which represent the Gallican episcopate, and finally those which represent the position of the French crown. The classification is very useful and illuminating, for it serves to bring out again the fact that medieval ideas in ecclesiastical and theological matters, as in regard to life in general, possessed little of that clearly defined and unvarying nature which is often attributed to them. It also brings out the beginnings of tendencies which were very rapidly to develop in the conciliar movement of the fourteenth and fifteenth centuries. This is especially interesting in the work of Duranti, which anticipates the leading part which was to be taken by the representatives of the Gallican church in maintaining the constitutional or limited conception of papal authority, and the superiority of the general council even over the pope himself. It would be impossible within the space of a review to mention all the important points in the literature which Professor Scholz is discussing. Perhaps the most interesting work with which he deals is that of Aegidius Romanus. His treatise, *De regimine principum*, is well known, but the detailed discussion of the authority of the church and the pope contained in another work *De ecclesiastica sive de summi pontificis potestate* has been only occasionally noticed. Professor Scholz confirms the view of Charles Jourdain that this tract had a special influence on the bull *Unam sanctam*, and certainly it represents in a very highly developed form the most extreme theory of the authority of the pope even in secular matters. If we were to venture on any criticism it would be that, while Professor Scholz knows the technical difference between the point of view of the normal medieval theory and that of Aegidius, he is a little too much inclined to look upon the extreme view of some of the commentators on the Decretals and of writers like Aegidius himself as representing a normal development of the canonical theory; and that he has accepted a little too readily the complete truth of some of Gierke's generalisations, which in spite of all his learning and penetration require a very rigorous examination, and do not always, we think, represent quite accurately the general trend of medieval thought. The truth is that both Professor Scholz and Professor Gierke attribute a greater importance to the *obiter dicta* and to the controversial speculations of medieval ecclesiastical writers than they deserve. Probably the normal man of affairs, whether lay or ecclesiastical, was very little indeed concerned with much of the contemporary controversy, and a great deal of this probably seemed to such men of merely speculative interest.

The eight recent additions to Professor Stutz's series must be dealt

with summarily. Part lvii. is a careful study of Zwingli's political theory, an exceedingly useful contribution to the history of the political ideas of the sixteenth century. The author is very well informed in the literature of that period, and has evidently read with care some works on medieval theory, but is perhaps a little hasty in drawing distinctions between the medieval theory of the state and that of the sixteenth century. It is perhaps specially important to notice that Zwingli continued to hold the stoic and patristic conception of the origin of government in the confusion caused by sin, and that he maintains the orthodox medieval doctrine of the right of deposing, and probably also of killing, the unjust king or tyrant. Zwingli evidently had no sympathy at all with Luther's tendency to deprecate resistance even to an unjust authority.

Part lviii. is an admirable little work by the editor himself on the present state of the law with respect to the election of Roman Catholic bishops in the protestant states of Germany. Professor Stutz deals with this specially in relation to the formal letter addressed in 1900 by Cardinal Rampolla, as papal state secretary, to the bishops of Prussia, Hanover, and the Upper Rhine. To students of the questions concerning episcopal election in the middle ages this treatment of the very complex modern conditions, and of the qualified but substantial rights of the secular government even when protestant, will prove very interesting; and the work will be not less interesting to those who are occupied with practical questions of church reform.

Parts lix. and lx. deal with the organisation and administration of one of the great archdeaconries of Germany in the middle ages, that of Xanten in the archdiocese of Cologne. This study is based mainly on various documents of the fourteenth and fifteenth centuries, and especially upon a series of accounts of the archdeaconry in the fifteenth and early sixteenth century. This work should be compared with that contained in Part xxxix., which treats of the same organisation in the dioceses of the Upper Rhine. The work is excellently done, and contains a great amount of important information on the actual working of the disciplinary machinery of the German church in the later middle ages.

Part lxi. is a carefully arranged account of such tendencies as can be traced in medieval Germany towards the development of a national church. Professor Werminghoff describes with special care the history of the movements connected with the councils of Constance and Basle. Part lxii. examines the origin and meaning in the canon law of the threat of 'loss of favour,' *gratie amissio* or *indignatio*—a very technical but interesting discussion. Finally Parts lxiii. and lxiv. are a very important treatise on the relations of the German church to the German nobility. This is a work of great compass and learning which deserves a longer notice than we can give. Professor Schulte has collected a great mass of evidence which goes to show that in the earlier middle ages, the more important offices of the church in German lands were normally almost confined to men of noble and free blood; from that class were chosen not only the great majority of the bishops, and the majority of the members of the chapters of cathedrals and collegiate churches, but even the members of many of the great abbeys and monasteries of monks and nuns. He

contends that it was only in the later middle ages that this gradually broke down, and members of the 'ministerial' and unfree classes were admitted. Beyond its importance in reference to ecclesiastical conditions Professor Schulte's work has great importance as a study of the relations of different classes in Germany, and serves to bring out certain elements in social history which have not received sufficient attention.

A. J. CARLYLE.

IOANNIS SARESBERIENSIS EPISCOPI CARNOTENSIS *Policratici sive de Nugis Curialium et Vestigiis Philosophorum Libri VIII*. Recognovit et prolegomenis, apparatu critico, commentario, indicibus instruxit CLEMENS C. I. WEBB, A.M., Collegii Beatae Mariae Magdalенаe apud Oxonienses Socius. 2 vols. (Oxonii: e Typographeo Clarendoniano, 1909.)

JOHN OF SALISBURY, who studied logic under Abelard and others in Paris, and was also the most accomplished pupil of the school of Chartres, is justly recognised as one of the most learned men of the twelfth century. In all the Latin literature accessible to him, he is obviously the best-read scholar of his time. His two greatest works, the *Policraticus* and the *Metalogicus*, were both completed in 1159 and were dedicated to Thomas Becket, who was then in attendance on Henry II at the siege of Toulouse. The author's surmise that, during all the 'tumult' of that siege, Becket would be unable to find leisure to read the *Policraticus* is fully justified by the vast extent of the work. Many days of almost unintermittent application are required for even a cursory perusal of the nearly 800 pages of the printed text as it lies before us in the admirably comprehensive edition recently produced by Mr. Clement Webb.

According to the most reasonable view, the main title of the work, *Policraticus*, designates it as *The Statesman's Book*. The subordinate title, *De Nugis Curialium et Vestigiis Philosophorum*, falls into two parts. The first of these prompts one to expect a satire on the court life of the age, and the second, a manual of morals founded on the precepts of the philosophers. But, as a matter of fact, the first part deals mainly with politics, dwelling first on the vices and follies which impede the healthy life of the state (i-iii), and, next, on the ideal form of government, which, in the author's view, implies a subordination of secular to religious rule (iv-vi). The second part (vii, viii) surveys the various philosophical schools, and declares that the aim of philosophy is 'the assertion of the superiority of the spirit over the senses, of the ideal over the material.' Such is the description given by Mr. R. L. Poole in his *Illustrations of the History of Medieval Thought*. The work, as a whole, has been justly characterised by the same writer as 'to some extent an encyclopaedia of the cultivated thought of the middle of the twelfth century.' We are now able to place by the side of Mr. Poole's suggestive pages an elaborate and almost exhaustive edition of the *Policraticus* by another learned member of the same university and college.

John of Salisbury was (as has been already observed) the best-read scholar of his age, and the range of his direct quotations and indirect allusions is certainly remarkable. Lipsius, in his commentary on the

Annals of Tacitus, has characterised the *Policriticus* as a cento of purple patches. The author quotes largely from the Vulgate and the Latin Fathers, from the *Digest*, and from the Latin translation of Josephus. He uses no Greek author except through the medium of a Latin translation. The Latin poets most familiar to him are Terence, Virgil, the *Satires* and *Epistles* of Horace, Lucan and Statius, Persius and Juvenal, Martial and Claudian, but he knows nothing of Lucretius or of the genuine plays of Plautus. The historians quoted by him include Sallust and Suetonius, Justin and Valerius Maximus. He is also well acquainted with Seneca and Petronius, and with Quintilian and the elder Pliny. Much of his classical lore is due to Gellius and Macrobius, and he has a considerable knowledge of Apuleius. His favourite author however is Cicero, as represented by the *Epistolae ad Familiares* and especially by the philosophical works. The only Latin work known to him which has since been lost is that of an interlocutor in Macrobius' *Saturnalia*, Virius Nicomachus Flavianus, *de vestigiis sive dogmate philosophorum*. He also appears to have borrowed from certain parts of the *Saturnalia* which have not survived.

Evidence on this point is to be found in Mr. Webb's erudite notes, which also include references to almost all the author's quotations of biblical, patristic, or classical texts. The author expressly states that he does not always name the sources of his quotations (*tacitis interdum nominibus auctorum*, i. 15, 22). Some of them will probably never be found, but there are several of those derived from extant Latin literature which do not happen to be noticed in the editor's commentary.

Thus, *si libera donentur cunctis iudicia* (i. 218, 22), and *libera donentur cunctis suffragia* (*Entheticus*, p. 8, 7) are clearly borrowed from Juvenal, viii. 211, *libera si dentur populo suffragia. Magno se tument iudice* (i. 24) from Lucan, i. 127, *magno se iudice quisque tuctur. Domi . . . habuerunt unde haec discerent* (i. 27) from Terence, *Andria*, iii. 3, 59, *domi habuit unde disceret. Patrem sequitur, sed non passibus aequis* (i. 117, 9) from *Aen.* ii. 724, *sequiturque patrem non passibus aequis. Quorum aures mulcentur fomento praenominum et quibus nobilium molles reserantur auriculae* (i. 185, 16), is a reminiscence of Horace, *Sat.* ii. 5, 53, *gaudent praenomine molles auriculae*. Similarly, *si omissis propriis aliena commoda curare videaris* (i. 205, 23), is suggested by Horace, *Sat.* ii. 3, 15 f., *aliena negotia curo excussis propriis. Voces, quibus mentimur dominis, . . . natio haec invenit*, is an echo of Lucan, v. 385, *voces, per quas iam tempore longo mentimur dominis; quod multis peccatur, peccatum non est* (ii. 180, 22), of Lucan, v. 260, *quicquid multis peccatur inultum est; and mensura namque iuris vis erat* (ii. 50, 9), is a transcript of Lucan, i. 175 f., *mensuraque iuris vis erat. Semper licitum libertati parcendo personis dicere de vitiis* (ii. 225, 1), refers to Martial's principle (x. 33, 10), *parcere personis, dicere de vitiis. Beneficium accipere est vendere libertatem* (i. 326, 7) comes from Publius Syrus, *beneficium accipere est libertatem vendere*.

Among reminiscences of prose-authors we may mention:—*licet enim haec secta (Academicorum) tenebras rebus omnibus videatur inducere*, compared with Cicero's *Acad.* ii. 16, *Arcesilas . . . conatus est clarissimis rebus tenebras obducere. Idem velint, idem nolint* (ii. 211, 23), is suggested by Sallust's *idem velle, idem nolle* (*Catilina* xx. 4, already quoted in i. 179).

The reference to Lucan as an historian in i. 109, 11 f. resembles the remark of Servius on *Aen.* i. 382, *Lucanus ideo in numero poetarum esse non meruit, quia videtur historiam composuisse, non poema.* The statement *finem suum . . . orator non semper assequitur* (i. 204) is a summary of the general purport of Quintilian, ii. 17-24. *Venenum hic sub melle latet* (i. 113, 22) is a reminiscence of a phrase of St. Jerome noticed in two later passages (pp. 186, 204).

Among biblical reminiscences may be mentioned the following:—*cum multa sint eiusdem corporis membra, non omnia eidem actui serviunt* (i. 32, cp. Rom. vii. 4); *cui in hereditatem datae sunt gentes* (i. 243, 7, cp. Psalm cxi. 6); *sicut bos immolandus ad victimam* (i. 190, 21, cp. Prov. vii. 22); *dum sunt alter alterius membra* (i. 235, 12, cp. Eph. iv. 25); *Iesum Christum et hunc crucifixum* (i. 243, 2, cp. 1 Cor. ii. 2), and *pastorum princeps* (ii. 353, 6, cp. 1 Pet. v. 4).

The text is founded on a careful collation of the best manuscripts, including the celebrated presentation copy of the *Policraticus* and *Metalogicus*, which belonged to Becket and was presented by Archbishop Parker to the library of Corpus Christi College, Cambridge. But, as parts of this manuscript were written by a somewhat incompetent scribe, the editor has occasionally followed the readings of other manuscripts. In the note to the phrase (i. 97, 8), *urionem expungere vel puncto curare carineam* (= carcinoma), the editor says *quid significat urio, nescio.* What we want is a word meaning a 'boil' or 'tumour.' It may therefore be suggested that *urionem* is simply a copyist's mistake for *tumorem*. (In the Corpus manuscript *t* is always on the same level as the other letters, and *i* has no dot.) Or, again, *urionem* may be a mistake for *unionem*. In medieval Latin *unio* is used in the sense of 'onion,' and one of the meanings of the French *ognon* is a *callosité douloureuse qui vient aux pieds* (Littré). Thus *unionem expungere* may possibly mean 'to extract a corn.' But there is no known example of this use of *unio*.

Turning from these points of verbal criticism to matters of history which appeal more directly to the readers of this Review, it may be noticed that the author's historical examples are taken from the Old Testament and from the ancient Roman Empire, and very rarely from the events of his own day. He has much to say on the supremacy of the ecclesiastical over the secular power, but he makes no mention of the conflict which was being waged on this very point between Frederick Barbarossa and Hadrian IV. The latter was the author's personal friend, and, in the *Policraticus*, we have a vivid account of a conversation between the author and the Pope, with the pope's characteristic reply to the author's criticisms on the Roman curia (ii. 67-72). A large part of a chapter (ii. 47-54) is devoted to the exploits of Henry II in England, showing *quomodo rex Henricus Secundus tempestatem et procillas regis Stephani serenaverit et pacaverit insulam.*

This edition appeals to scholars of all nations, for the prolegomena and notes to the Latin text are all written in Latin as the universal language of scholars. It is not until the final item in the *Addenda et Corrigenda*, on the last page of the second volume, that the Latin garb is accidentally thrown off in the concluding item:—'for 255 read 253.'

J. E. SANDYS.

Forum Conche (Fuero de Cuenca). Edited by GEORGE H. ALLEN, Ph.D.
In Two Parts. (Chicago: University Press. 1909-1910.)

THE *fuero* of Cuenca was granted by Alfonso VIII of Castile between 1189 and 1211. It is modelled upon the *fuero* of Teruel in Aragon, which had been compiled a few years previously. In fact so close is the resemblance of the two documents in many passages that the text of the one can often be emended by reference to the other—a fortunate circumstance, since both, as printed, are full of clerical errors.¹

It might be expected that laws borrowed by Cuenca from another

¹ The following list of corrections may be of assistance:—

Forum Turolii.

- | | | | |
|----------------|---|--------------|---|
| p. 3 l. 22 | for <i>dant</i> read <i>datum</i> . | p. 148 l. 4 | for <i>Quam</i> read <i>Quoniam</i>
(<i>F.C.</i> viil. § 8). |
| p. 5 l. 7 | „ <i>iudice</i> read <i>iudici</i> . | p. 148 l. 25 | „ <i>Et qui sunt multi</i> read
<i>Et quia sunt multi</i> . |
| p. 8 l. 4 | „ <i>patronem</i> read <i>patroni</i> . | p. 163 l. 10 | „ <i>quicumque hereditatem</i>
<i>defenderit</i> read <i>quicumque hereditatem alienam defenderit</i>
(<i>F.C.</i> ii. § 5). |
| p. 8 l. 5 | „ <i>alio</i> read <i>aliquo</i> . | | |
| p. 8 l. 21 | „ <i>inuenerit</i> read <i>inuenerint</i> . | p. 164 l. 29 | „ <i>Quam si mortuus</i> read
<i>Quoniam si mortuus</i>
(<i>F.C.</i> ii. § 11). |
| p. 25 l. 1 | „ <i>uasallos</i> read <i>uasallus</i> . | | |
| p. 33 l. 13 | after <i>Qui solent multociens illos homines add anticipare</i> (<i>Forum Conche</i> xvi. § 16). | p. 187 l. 11 | „ <i>prinigni</i> read <i>pruigni</i> . |
| p. 33 l. 14 | for <i>teneat</i> read <i>teneant</i> . | p. 190 l. 8 | „ <i>per illum</i> read <i>pre aliis</i>
(<i>F.C.</i> x. § 27). |
| p. 34 l. 15 | „ <i>desinat</i> read <i>designet</i> . | p. 190 l. 21 | „ <i>que</i> read <i>quod</i> (<i>F.C.</i> x. § 29). |
| p. 35 l. 9 | „ <i>pignoram</i> read <i>pignorrare</i> (<i>F.C.</i> xvi. § 21). | p. 197 l. 19 | „ <i>uoluerint</i> read <i>noluerint</i>
(<i>F.C.</i> xl. § 43). |
| p. 63 l. 13 | „ <i>neueris</i> read <i>ueneris</i> . | p. 197 l. 21 | „ <i>uoluerit</i> read <i>noluerit</i> . |
| p. 68 l. 12 | „ <i>De iudice annali in uilla sanus extiterit</i> read <i>dum iudex annalis in urbe sanus extiterit</i> (<i>F.C.</i> xvii. § 20). | p. 200 l. 6 | „ <i>Quod sint arma</i> read
<i>Que sint arma</i> . |
| p. 69 l. 1 | „ <i>iudicem</i> read <i>iudicis</i>
(<i>F.C.</i> xvii. § 21). | p. 215 l. 5 | „ <i>De per ludo</i> read <i>De eo qui in ludo</i> (<i>F.C.</i> xii. § 28). |
| p. 71 ll. 1, 2 | „ <i>domum</i> read <i>dominum</i>
(<i>F.C.</i> xviii. § 4). | p. 232 l. 24 | „ <i>crecciones</i> read <i>erecciones</i> . |
| p. 86 l. 1 | „ <i>qua</i> read <i>que</i> . | p. 254 l. 13 | „ <i>uiter aprum</i> read <i>uelut aprum</i> (<i>F.C.</i> xxxv. § 1). |
| p. 90 l. 7 | „ <i>pater</i> read <i>pariter</i> . | p. 258 l. 30 | „ <i>in tempore iuiuium</i> read
<i>in tempore niuium</i>
(<i>F.C.</i> xxxvi. § 6). |
| p. 90 l. 8 | „ <i>socarie</i> read <i>focarie</i> . | p. 266 l. 7 | „ <i>bubulci</i> . <i>Bubulcus</i> read
<i>subulci</i> . <i>Subulcus</i>
(<i>F.C.</i> xxxvii. § 15). |
| p. 90 l. 8 | „ <i>quodcumque</i> read <i>quecumque</i> . | p. 267 l. 9 | „ <i>iactare debuerit</i> read
<i>iactare dederit</i> (<i>F.C.</i> xxxvii. § 19). |
| p. 91 l. 1 | „ <i>capcione</i> read <i>civitate</i>
(<i>F.C.</i> xxiii. § 22). | p. 274 l. 34 | „ <i>emissae</i> read <i>emisse</i>
(<i>F.C.</i> xl. § 13). |
| p. 95 l. 1 | „ <i>que die carte</i> read <i>qua die carta</i> . | p. 280 l. 20 | „ <i>annona que erupta fuerit</i>
read <i>annona que emptata fuerit</i> (<i>F.C.</i> xli. § 6). |
| p. 95 l. 1 | „ <i>cum</i> read <i>eam</i> . | p. 285 l. 25 | „ <i>qui sotulares pro caprinis</i> read <i>qui sotulares arietinos pro caprinis</i> (<i>F.C.</i> xlii. § 6). |
| p. 109 l. 16 | „ <i>velit</i> read <i>velle</i> (<i>F.C.</i> xxii. § 11). | | |
| p. 110 l. 1 | „ <i>equalite</i> read <i>equalitate</i>
(<i>F.C.</i> xxii. § 12). | | |
| p. 110 l. 13 | „ <i>arma</i> read <i>armis</i> . | | |
| p. 116 l. 7 | „ <i>contensori</i> read <i>contempso</i> (<i>F.C.</i> xxv. § 5). | | |
| p. 127 l. 1 | „ <i>de appellantibus iter</i> read <i>de appellantibus quibus iter</i> (<i>F.C.</i> xxvii. § 10). | | |
| p. 129 l. 1 | „ <i>uiolatico</i> read <i>uiolatio</i> . | | |
| p. 132 l. 18 | „ <i>de domo aliqua</i> read <i>de domo a qua</i> (<i>F.C.</i> vi. § 11). | | |

kingdom would be viewed with disfavour in the rest of Castile. But so far was this from being the case that the *fuero* of Cuenca was adopted by many other Castilian cities. We may conclude that, in the twelfth century, the common law of Castile was much the same as that of Aragon. Cuenca did not copy Teruel with slavish fidelity. The two *fueros* have their differences as well as their resemblances. They differ in the order of topics to such an extent that it is no easy matter to ascertain how much they have in common; and Dr. Allen would have earned the gratitude of his readers if he had indicated, by marginal references, the parallel passages in the laws of Teruel. He promises to publish, in the future, a comparative analysis of the two *fueros*. But, pending the fulfilment of this promise, the following rough and imperfect table may save some trouble to other students :—

	<i>Forum Conche</i>	<i>Forum Turolii.</i>
Preface	pp. 14-17 . .	§§ 1, 2
Grant of site	i, § 1	§ 3
Miscellaneous privileges	i, §§ 2-27 . .	§ 4-10
Law of landed property	ii, vii, xxxii . .	§§ 293, 298, 299
Laws concerning crops and stock	iii	§§ 300, 301
Laws concerning vineyards	iv	§ 297
Laws concerning gardens	v	§ 296
Laws concerning the house peace	vi	§§ 271-288
Laws concerning mills	viii	§ 294, 295
Law of marriage and succession	ix, x	§§ 302-348
Criminal law	xi, xii	§§ 349-414
Law of <i>Diffidatio</i>	xiv	§§ 17-21
Laws concerning magistrates	xvi	§§ 58-132
Laws of debt and distress	xvii-xx, xxiii . .	§§ 133-202, 211
Laws of judicial combat	xxii	§§ 214-236
Procedure in Alcaldes' court	xxiv-xxvi . . .	§§ 203-210, 237-257
Appeals to Royal court	xxvii	§§ 258-270
Suits between Jews and Christians	xxix	§ 425
Law of military expeditions	xxx, xxxi . . .	§§ 426-452
Law concerning cattle, &c.	xxxiii, xxxiv . .	§§ 453-461
Law of hunting, &c.	xxxv	§§ 463, 464
Law of master and servant	xxxvi-xxxviii . .	§§ 465-500
Laws of trades	xli-xlii	§§ 506-533

It goes without saying that the *fueros* are not arranged on any logical

Forum Conche, vol. i. :

p. 16 l. 10	for <i>ceteris prefens</i> read <i>ceteris preferens</i> .
p. 20 l. 7 &c.,	<i>index</i> read <i>iudex</i> .
p. 22 l. 15	„ <i>de canto earum</i> read <i>de cauto earum</i> .
p. 59 l. 5	„ <i>Re uxore</i> read <i>De uxore</i> .
p. 62 l. 26	„ <i>dent tetiam agrum</i> read <i>dent etiam agrum</i> .
p. 62 l. 27	„ <i>ingum bovum</i> read <i>iugum bovum</i> .
p. 64 l. 24	„ <i>equo immodato</i> read <i>equo immoderato</i> .
Vol. ii. :	
23 l. 15	For <i>iuvarius</i> read <i>iugarius</i> .
33 l. 11	„ <i>qui cum lacio</i> read <i>qui cum laico</i> .

p. 41 l. 22	for <i>quod voce uxoris respondendi</i> read <i>quod vice uxoris [ius] respondendi</i> .
p. 64 l. 21	„ <i>extrahat arma</i> read <i>extrahat arma</i> .
p. 68 l. 20	„ <i>De separatione algare</i> read <i>De reparatione algare</i> .
p. 68 l. 20	„ <i>separare</i> read <i>reparare</i> (<i>Forum Turolii</i> , § 426, p. 231).
p. 117 l. 20	„ <i>nale cozerint</i> read <i>male cozerint</i> .

scheme. Miscellaneous enactments are thrust at random into the main sections, or between them. Hence it is difficult to collate them, and the difficulty is increased by the fact that the *fuero* of Cuenca sometimes quotes that of Teruel, sometimes gives a paraphrase, in one place makes considerable modifications or expansions, and in another abbreviates unmercifully. For Spanish students, no doubt, the minutest of these differences will have a meaning. A foreigner, interested in the main characteristics of Spanish municipal development, will find more profit in studying the common elements of the two codes.

Some idea of the extent to which they agree and differ may be formed by comparing the passages in each which relate to the judicial combat. Evidently this mode of proof was not uncongenial to the Spanish communes, since the *fueros* treat of it in detail and allow its use in civil as well as in criminal cases, against witnesses as well as principals. Although it is unrecognised in the Visigothic laws, the judicial combat appears to have developed spontaneously in the Christian states of the peninsula; and it must have been generally popular, since, in 1077, the Castilians found it the most convenient way of deciding what liturgy should be used in their churches. Even if it was already regarded as a privilege of the military classes, that was only another reason why the burghers of Aragon and Castile should regard it as appropriate to themselves. The *fueros* were made for communities in which men might be artisans, or traders, but were bound in any case to be trained soldiers; and if the *fueros* recognised no distinctions of class the citizens were the reverse of indifferent to the outward marks of social status. The legislators of Teruel and Cuenca are not entirely blind to the defects of a trial by combat as a test of truth. They realise the possibilities of fraud and abuse which it involves.² In certain cases they allow the accused, as a favour, some alternative method of clearing himself (compurgators, witnesses, &c.), and either party to offer a composition before the combat is actually decided.³ They are meticulous in their precautions to ensure that the combat shall be waged on equal terms,⁴ and order that the accused shall have an acquittal if these conditions cannot be satisfied. But they evidently expect that this method of proof will be in constant use, and they encourage its use by recognising the hired champion, and insisting upon a moderate scale for his remuneration.⁵ Like the Italian communes, unlike the English chartered boroughs, the Spanish municipalities are content to maintain the combat as a form of proof, provided that they are allowed to make it fairly equitable.

The conditions of an appeal to the combat are most clearly stated in connexion with the law of blood feuds. Suppose a man is killed unlawfully. This is a matter which concerns his family alone. The law remains impassive until the victim's next of kin defies the reputed homicide before the general assembly. At Teruel the defiance must be backed by twelve oath-helpers,⁶ who should be relatives of the deceased, if possible, though any citizens may serve when relatives are wanting. At Cuenca there is a special rule that no citizen can be defied by an unknown person,⁷ until the latter has established his right to represent the outraged family. If

² *F.T.* § 20; *F.C.* xiv. § 3.

⁴ *F.T.* § 223; *F.C.* xxii. § 12.

⁶ *F.T.* § 20.

³ *F.T.* § 231; *F.C.* xxii. § 19.

⁵ *F.T.* § 232; *F.C.* xxii. § 20.

⁷ *F.C.* xiv. § 2.

only one man is denounced, and he has been caught in the act or has confessed, there is no question of a combat. The blood fines are exacted, the sentence of outlawry is pronounced; if the criminal cannot pay the fines he is handed over to the accuser, who may cut off his right hand (at Cuenca) or keep him in prison and starve him to death (at Teruel). Once outlawed he is a wolf's head, and may be slain by his foes wherever they can find him.⁸ If however the accused denies his guilt, the chances are that he will be forced to fight. Indeed, the law of Teruel gives him no alternative.⁹ That of Cuenca permits him to clear himself by means of witnesses, but only on condition that the witnesses go to the combat, or by means of twelve compurgators, but only if the accuser consents.¹⁰ If the charge is brought not against an individual, but against a band of men, the law becomes infinitely more complicated. No more than five persons may be named; no more than one of these may be challenged to the combat. The other four go free, according to the law of Teruel; at Cuenca they are liable to pay a portion of the blood fines,¹¹ and one of them may be outlawed for a year and a day, but any of them who can find compurgators may go free.

We come next to the actual combat. It is arranged by the magistrates, whose weightiest duty in this connexion is to approve the champions. The accused is allowed to hire a professional substitute, if he can plead a serious physical defect.¹² The accuser, it would seem, is bound to fight by deputy, and to produce a champion who is of the same strength and stature as the accused. No cursory inspection is deemed sufficient for this purpose. At Teruel the magistrates must take the champion's measurements; ¹³ at Cuenca they set him to wrestle a fall or two with the accused, as a test of strength, after compelling each to swear that he will do his best to throw the other.¹⁴ The accuser may offer successive champions for the scrutiny, up to the number of fifteen, but if fifteen are rejected the appeal falls to the ground. Supposing however that the combatants are duly 'paired,' they prepare for the ordeal by keeping a night vigil, by attending mass the next morning, and by swearing on the Gospels, at the altar, each to the justice of his cause.¹⁵ The arena is marked out by the magistrates and divided between the combatants in such a way that neither has the advantage of the sun. They fight on horseback or on foot, at the option of the accused. In either case they are equipped with hauberk, helmet, greaves, shield, and a blunted lance, in addition to which the foot soldier has one sword, the horseman two.¹⁶ The accused remains on the defensive; the accuser must attack, and neither may quit the field before sunset or the decision of the issue. If necessary the combat may be prolonged for three days, the combatants being lodged at night in the house of a magistrate. If the accused holds his ground to the end of the third day he is held innocent. If defeated his punishment depends on the nature of the suit; in a case concerning debt or false witness he pays a double forfeit, and is the prisoner of his opponent till he has paid in full;

⁸ *F.T.* § 21.

¹⁰ *F.C.* xiv. §§ 2, 7.

¹² *F.T.* § 216; *F.C.* xxii. § 3.

¹⁴ *F.C.* xxii. § 12.

¹⁶ *F.T.* § 224; *F.C.* xxii. § 13.

⁹ *F.T.* § 17.

¹¹ *F.T.* § 20; *F.C.* xiv.

¹³ *F.T.* § 218.

¹⁵ *F.T.* § 218; *F.C.* xxii. § 7.

in a criminal case there is no enhancement of the penalty.¹⁷ A champion may be adjudged beaten on various technical grounds, as, for instance, if he is found in possession of an amulet or talisman.¹⁸ There are some other singular rules. For instance, if the combat is on horseback the accuser must dismount when he has unhorsed the accused, but in the converse case the accused may remain in the saddle,¹⁹ though at Cuenca he must dismount on the third day at the ninth hour.²⁰ Such stipulations might lead us to suppose that protracted encounters were of frequent occurrence. This however is unlikely, since the *fueros* allow the parties to make a compromise at any moment before the end of the combat, only stipulating that in cases of homicide or theft (where a *wile* is due to the crown) the consent of the king or his local representative shall be obtained.²¹

The foregoing analysis leads us to the conclusion that in some respects the *fuero* of Cuenca refines upon that of Teruel. We believe that, in the sphere of private law, this is a roughly correct account of the relation in which the two codes stand to one another; although a comparison of the sections relating to public magistracies and public law shows that, on these topics, the Aragonese *fuero* is considerably more instructive. In each case however the differences are of minor importance. When we read the two *fueros* side by side it is evident that the compilers are in agreement upon most questions of principle. How far the two documents reproduce the common law of Aragon and Castile, and how far they embody the ideas of legal reformers, are questions on which it is to be hoped that Dr. Allen's promised commentary will throw more light.

H. W. C. DAVIS.

GIOVANNI LIVI. *Dall' Archivio di Francesco Datini, Mercante Pratese.* (Florence: Lumachi. 1910.)

SIGNOR LIVI, the director of the Bologna archives, has devoted rather more than a year's work, taking it all together, to the arrangement of the muniments of the 'Pia Casa de' Ceppi' at Prato, founded by Francesco Datini, a merchant who died on 16 August 1410. This pretty book is his contribution to the celebration of the 500th anniversary of the death of Datini, who deserves the gratitude of posterity for his forethought in collecting together the books and correspondence of the various branches of his business and arranging for their preservation in the institution which he founded. It is probable that there is nowhere else so complete a collection of the papers of a medieval business house—not in Italy at all events, Signor Livi thinks, and he is presumably familiar with the Peruzzi and Frescobaldi archives; while the *Cely Papers*, our best-known English collection, are both later in date and less complete, since they only include the papers of the Calais branch of the firm. Here we have the books and correspondence of the parent house in Prato and its various branches at Avignon, Pisa, Florence, Genoa, Valencia, Barcelona, and Majorca, and (as appears from the summary list of the correspondence in Appendix ii.) the private letters of Datini and his wife and of the agents at the various

¹⁷ *F.T.* § 221; *F.C.* xxii. §§ 8, 9.

¹⁸ *F.T.* § 219.

²¹ *F.T.* §§ 220, 221; *F.C.* xxii. §§ 8, 9.

¹⁹ *F.T.* § 225; *F.C.* xxii. § 14.

²⁰ *F.C.* xxii. § 10

branches. A student of economics could not find a more promising field for investigation, and work has already begun there. Professor Bensa has drawn from it materials for the history of insurance, Professor Arias for that of the relations of the trading companies with the church, and Signor Ridolfo Livi, the editor's brother, for the study of slavery in Italy. Some of the most interesting letters, those of the notary Ser Lapo Mazzei to Datini, have already been printed by Cesare Guasti; but Signor Livi shows that there are still plenty of plums left in the pudding. He has confined himself to making a selection from the letters, of some of which he gives 'line-block' facsimiles, useful examples of the crabbed-looking commercial hand of the period. We are especially bound to notice a letter from Rome announcing the election of Pope Boniface IX, which may usefully be compared with the account printed some years ago by Professor Pastor (*Acta Inedita*, i. no. 3); and a letter from Paris dated 16 August 1399, describing the invasion of England by Henry IV. These notices which developed into the news-letters of a later date, though not of first-class authenticity, still shed a welcome light on the contemporary view of historical events. Another letter of special interest is that written by Baldassare Ubriachi from Saragossa, 14 July 1399, to a friend in Barcelona ordering the preparation of a map intended for presentation to Richard II, who presumably never received it. Besides these there are many items of general interest, such as the autographs of Franco Sacchetti and Agnolo Gaddi, a letter describing the proceedings of Marshal Boucicaut at Genoa in 1401, and a letter relating to the purchase of Pisa by the Florentines in 1405. The specimens given are amply sufficient to attract the attention of students to a most interesting collection and to stimulate them to examine other specimens of Italian commercial correspondence. It is probably not generally known that two very small collections are preserved among the diplomatic documents at the Public Record Office, apparently confiscated papers of the Riccardi about 1300 and the Frescobaldi about 1311. These are unhappily indifferently preserved, but contain enough of interest to make them worth a careful examination.

It would have been gracefully appropriate if Signor Livi's book had been printed at Prato, a town not undistinguished in the history of typography, but it bears the imprint of a Bologna press.

C. JOHNSON.

The French Renaissance in England. By SIDNEY LEE.
(Oxford: Clarendon Press. 1910.)

THE subject of this elaborate study in comparative literature is the influence of the French Renaissance upon the culture of Tudor England. Mr. Lee is prepared to defend the position that it was greater than that of the Italian Renaissance. It is not easy to weigh in the balance matter so impalpable, but on a comparison of Mr. Lee's work with Professor Einstein's *The Italian Renaissance in England* one would have said that the influence of Italy was more germinative and more fundamental, and that it was not till the last quarter of the sixteenth century that it began to be overshadowed by that of France. From that time however there can be no

question as to the importance of this latter influence, and Mr. Lee has done good service by insisting on it with so well-marshalled an array of evidence. He rightly points out that in addition to the permanent cause of proximity there were three temporary causes at work: the sympathy of Englishmen for the Huguenots; the close relations, resulting from several intermarriages, between Scotland and France; and the prolonged negotiations for the marriage of Elizabeth with a Valois prince. It would be beyond the scope of this Review to discuss Mr. Lee's pages in detail, but it may be said here that the most valuable and convincing part of his work is the latter half of book iv., in which he deals with the French influence on Elizabethan lyric, supporting his conclusions with a good deal of new and interesting evidence. Book ii., which treats of French influence on the whole of our literature during the first half of the sixteenth century, contains also much interesting matter; but Mr. Lee has not made it clear that the influence which affected the prose of Caxton and Lord Berners, and the verse of Hawes, Barclay, and Skelton was that of medieval France, and not of Renaissance France. One would have liked also to see some discussion of the reasons for that arrested development in our culture which took place in the reign of Henry VIII. Was it due entirely to the Reformation?

On the subject of French influence on Elizabethan drama (book vi.) Mr. Lee is much less convincing. Nor can he be said to have made out a strong case for the influence of French prose on English style. French prose in general at this time hardly had the lucidity and precision that he ascribes to it; Calvin and to a less degree Amyot are exceptional in this respect. In book iii. Mr. Lee is at his best in dealing with the influence of Amyot, and through Amyot of Plutarch. That of Rabelais and Montaigne has been treated far more fully by Dr. Upham in his *French Influence in English Literature*. More closely connected with historical studies is the political thought of the Huguenots (Book v. 3-5). Here Mr. Lee has usefully broken ground in what is more or less of a new field, and has prepared the way for a more thorough investigation. It may be noted that he overrates the value of Montchrestien's *Traicté de l'économie politique*, which is largely plagiarised from Bodin and other writers.¹ It is no blame to Mr. Lee that he is less at home on the French side of his subject than on the English. But this being so, his book would have been more serviceable to students, and more satisfactory to scholars, if he had more clearly recognised his limitations. His unnecessarily long chapters on French literature are, owing to his want of real familiarity with his subject and his tendency to picturesque exaggeration, disfigured by some grave errors. More serious, perhaps, are his not infrequent misconceptions of the general spirit of French Renaissance literature. He would have inspired greater confidence in this part of his work if he had been less abstemious in the specific acknowledgment of his sources.

ARTHUR TILLEY.

¹ See Professor Ashley, *ante* vol. vi. 779 ff., where he points out that the industry for which Montchrestien first asked protection was his own.

Accounts of the Lord High Treasurer of Scotland. Vol. VIII. : 1541-46.

Edited by SIR JAMES BALFOUR PAUL, LL.D., Lord Lyon King of Arms. (Edinburgh : H.M. General Register House. 1908.)

THE eighth volume of the *Accounts of the Lord High Treasurer of Scotland* covers the years from 1541 to 1546, and includes the accounts of two Treasurers, James Kirkcaldy of Grange, the father of a more famous son, and John Hamilton, Bishop of Dunkeld, and afterwards Bishop of St. Andrews, who gave his name to a famous catechism, and whose execution for a share in Darnley's murder induced George Buchanan to invent a novel account of that event. The items which are comprised among them are many and varied. They include payments to the servants of the king and queen, details of their wardrobe and allowances to the queen's fool and the king's minstrels, as well as expenditure upon State funerals, embassies, and national defence. The death of King James V in 1542 rather increases than diminishes the miscellaneous items, for Arran the Lord Governor had many relations (entries under the name of Hamilton fill six columns of the Index) and he considered it right that the national exchequer should bear the cost of such domestic outlays as the sending of two books 'in lating' to his son, the master of Hamilton, a student at St. Andrews. One of these was *Esop's Fables*, and the other a copy of the *Rudimenta* of Joannes Despauterius (Van Pauteren). To this medley of public and domestic accounts, Sir James Balfour Paul has prefixed some ninety pages of lucid introductory matter, which describes the manuscript material and summarises the history of five eventful years. They began with the death of the Daughter of Discord, Margaret Tudor, fourteen months before her son, James V, and closed with the murder of Cardinal Beaton and the siege of the Castle of St. Andrews. In the interval were fought the battles of Solway Moss and Ancrum Moor, and there were civil broils, border raids, and one great English invasion—that of Hertford in 1544-45. Sir James Paul has mastered his material, and his analysis of the records is a model of this kind of introduction.

It cannot be said that the volume contains anything which will revolutionise the historiography of these years, and, at first sight, the records are disappointing. Of such memorable events as the martyrdom of Wishart and the murder of Beaton they tell us practically nothing, and an unfortunate gap in the manuscripts prevents their preserving any record of the diplomatic negotiations by which Arran attempted to secure help against England. In military, and to some extent, in naval, history, the importance of the Treasurer's accounts is greater, and they contain almost our only information about the sieges of two border castles. Any future historian of the Scottish artillery will find them invaluable. They are still more important for social and economic history, e.g. their indications of the kinds of cloth made and used in Scotland in the middle of the sixteenth century would probably have surprised contemporary Englishmen as well as not a few later English historians. It was a time of considerable magnificence; velvet and other expensive materials are used on a large scale, and there are elaborate directions for marking 'ane nycht_goun to the kingis grace';

the luxury of pillow-slips was known in the palaces of Scotland; and King James had silver cases to hold his toothpicks and his tooth-powder. The usefulness of the book is increased not only by Sir James Paul's careful editorial labours but also by an unusually complete and well-constructed index by Mr. Joseph Davidson, an index which it is indeed possible to read with both pleasure and profit.

ROBERT S. RAIT.

Sir Francis Walsingham und seine Zeit. Von Dr. KARL STÄHLIN.
Erster Band. (Heidelberg: Winter. 1908.)

CONSIDERING the importance of Walsingham's political activity it is somewhat surprising that he should have had to wait over three centuries for an adequate biography, and that the task should have fallen into the hands of a German writer. We need not however grumble at the accident which has given Dr. Stählin his opportunity; for the six hundred and thirty-six pages in which he carries Walsingham's life down to his recall from France in the spring of 1573 make not only an exhaustive biography but also a very considerable contribution to the history of England under Elizabeth. Dr. Stählin is not one of those who consider that a list of facts and dates constitutes a biography; and he has spent great pains in painting his background as well as Walsingham's portrait. Most of the early part of the book is devoted to a description of the influences under which Walsingham grew up: the first chapter contains a brief summary of the account of the rise of the Walsinghams in the fifteenth century which Dr. Stählin published as a *Habilitationsschrift* five years ago; Walsingham's matriculation at King's College, Cambridge, is the occasion for a disquisition some twenty pages long on the religious and educational atmosphere prevalent there at the middle of the sixteenth century; and over a hundred pages are filled with a narrative of public events in Elizabeth's reign before Walsingham had anything definite to do with them. The meagreness of our information about his early life is some excuse for Dr. Stählin's discursiveness; and his picture of the times, which is drawn from wide and careful study, is by no means otiose.

There are a few errors and misprints: on p. 85 Walsingham's admission to Gray's Inn is given as 1522 instead of 1552; on p. 103 the composition of Ascham's *Scholemaster* is assigned to 1578, ten years after his death; Lady Catherine Grey's two sons were not Henry and Edward (p. 114), but Edward and Thomas; internal evidence shows that Sir Thomas Smith's dialogue on Elizabeth's marriage cannot have been written before 1563, and consequently Dr. Stählin's imaginary setting (p. 120) should be rectified. The old story that it was Paul IV whose brusqueness caused the breach of diplomatic relations between England and the Papacy (p. 111), although accepted by Ranke, has been disproved by Maitland and others. Dr. Stählin does not however appear familiar with Maitland's work, and among the few sources which he does not seem to have used are Bain's *Scottish Calendar* and the *Venetian Calendar*, though he is thoroughly conversant with Albeni's *Relazioni*.

The principal burden of the book is its account of Walsingham's mission to France in 1570-3, which occupies some four hundred pages.

The story has never before been told in such detail or based upon such extensive materials. Probably the newest of these to English readers are the Tuscan sources upon which Dr. Stählin has drawn; and the freshness of this information may be partly responsible for the importance which he attributes to Duke Cosimo's action in dissuading his kinswoman Catherine de Médicis from Walsingham's policy in 1572. In any case, it was an influence which needed pointing out, and this part of Dr. Stählin's book is valuable from the point of view of French and European history quite as much as from that of English. On the whole, Dr. Stählin's judgment appears to be as sound as his industry is unfailing. But, perhaps wisely, he is chary of criticism; he limits himself for the most part to a detailed presentation of Walsingham's activity and aims, without discussing how far he was correct in his diagnosis of the situation or far-seeing in the policy he pressed upon his Government. Nevertheless some such criticism is needed, and Dr. Stählin may provide it in his second volume. For Walsingham's truculence, which had its root in his fanatical anxiety for the protestant cause, has been generally accepted as statesmanship, possibly because it affords so admirable a foil to Elizabeth's caution, and so useful a basis for charges against her of timidity and tergiversation. But no reading of the situation could have been more woefully mistaken than that which Dr. Stählin quotes from Walsingham on p. 573. Two mild criticisms we have to make on his general presentation: he might have dwelt a little more forcibly on the importance of the events of 1569 in rendering possible the public career of a man of Walsingham's principles; and we do not think that he lays sufficient stress upon the influence exerted by England's oversea activity on its relations with Spain.

The basis of Dr. Stählin's book is Walsingham's correspondence published in 1655 as *The Compleat Ambassador*; Dr. Stählin has compared the printed text with many of the originals, and has pointed out a number of errors; and he enunciates the interesting theory that Digges's collection was published in 1655 in order to tune the public mind to the French policy meditated by Oliver Cromwell. It is an idea which would perhaps occur more naturally to a German than to an English student; but we have doubts of its correctness. Walsingham's despatches are, of course, replete with exhortations to friendship with France and war with Spain; but the Massacre of St. Bartholomew, which is also detailed therein, was not a *dénouement* likely to recommend Walsingham's policy to Oliver Cromwell's subjects. If any significance is to be attached to the appearance of what Dr. Stählin says is the first published collection of State Papers, it probably lies in the growth of the idea that public affairs were the affair of the public, which was a necessary condition of parliamentary government.

A. F. POLLARD.

Calendar of State Papers, Foreign Series, of the reign of Elizabeth. Vol. XVI: May–December 1582. Edited by ARTHUR JOHN BUTLER, M.A. (London: H. M. Stationery Office. 1909.)

THIS and another volume announced as 'in the press' complete the tale of Mr. Butler's labours on the Foreign Calendar which began ten years ago

with the publication of the twelfth volume dealing with the papers of 1577-8. His death in February last and that of Major Hume five months later leave serious gaps in Sir H. Maxwell-Lyte's band of editors; but it is to be hoped that the twenty years' interval in the publication of the *Foreign Calendar* which followed on A. J. Crosby's death in 1881 will not be repeated, and that successors will speedily be found to continue both it and the *Spanish Calendar*. We really need a trained and organised school of editors to accumulate and hand on experience, in place of the occasional helpers to whom the task of calendaring has been given out as piece-work; for such editors take time to familiarise themselves with their business, and death has often cut their labours short as soon as they have got into their stride. Three editors have died during the production of the sixteen volumes of Elizabeth's *Foreign Calendar*. Mr. Butler's work does not suffer by a comparison with that of his predecessors: a man of some leisure, he devoted far more time and labour to his task than was economically profitable, and his literary tastes led him to treat his documents as materials for the history of the English language as well as of English politics: if edited throughout on the same principles, the *Foreign Calendar* might have been of invaluable assistance to the compilers of the *New English Dictionary*.

The volume before us is almost exclusively concerned with the Netherlands, where Anjou arrived in February 1582, after his second and last visit to Elizabeth's court. His presence complicated a situation already involved; and, whatever encouragement his exiguous French forces may have afforded the insurgents, it was more than counterbalanced by distrust of his intentions and capacity, and by bickerings between French and Dutch on the one hand, and French and English on the other. It would indeed have been a rash government that ventured far into that sea of troubles; but Elizabeth's caution angered the zealous Walsingham; 'providence,' he wrote from her court (p. 71), 'is esteemed but prodigality, and necessity is here president of the council.' Elizabeth had no intention of spending money to make the French masters of the Netherlands; and with Burghley's assistance she carried on secret negotiations with Parma, to which this volume contains no references except suspicious reports of her action. More pleasant reading are the encomiums from all quarters (pp. 286, 292, 296, 298) on the courage and efficiency of the English contingent under Norris, references which reveal little foundation for the usually injurious comparisons between English, French, and Spanish troops at the time of the Armada.

Apart from the Netherlands, the principal topic is Strozzi's ill-fated expedition to the Azores, which if successful might have led Catherine de Médicis into an open breach with Spain and into strenuous intervention in the Netherlands (p. 246). Probably Elizabeth was unmoved by Catherine's complaint that Strozzi's defeat was due to Elizabeth's refusal to lend France her 'good ships' for the purpose (p. 366); and it is clear from the many detailed reports here calendared that, while neither French nor Spanish had any idea of naval tactics, the battle was lost mainly through the pusillanimity and disloyalty of Strozzi's French officers; out of forty-seven or forty-eight sail only eight or nine came into action at all (pp. 344-51, 362-4). There are many references to the Gregorian reform of the calendar.

One of Walsingham's Dutch correspondents complained that it made them all ten days older, but this was probably ironical, as he advises 'that we follow the usage of this calendar as soon as it is certain and correct' (p. 455); and William of Orange at once adopted the reform (p. 514), though a bill to introduce it into England was rejected by parliament in 1585. A more legitimate grievance than the loss of ten days was indicated by another letter-writer: 'yesterday,' he says, 'was appointed to be New Year's day and to be the first of January; so they have lost Christmas day here for this year. Bruges, the 23 December, 1582 *stillo anglea* [sic]; and here they write the 2 January, 1583' (p. 517).

A few additions and corrections may be noted: the founder of the Brownists, about whom there are some interesting details (pp. 257, 265, 299), might be more clearly designated in the index than as 'Browne —, English minister'; the 'Dillann, Sir —, Irish rebel' was Sir Robert Dillon, a well-known Irish judge; 'Christophoro di Monti' was an old diplomatist long in the service of Henry VIII, Edward VI, and Elizabeth, but usually known as Christopher Mont, Mount, or Mundt; and there should be some indication that 'her majesty' whom no. 255 concerns, was Mary, Queen of Scots, and not Elizabeth, as seems to be inferred.

A. F. POLLARD.

Quarter Sessions Records for the County of Somerset. Edited by the Rev. E. H. BATES HARBIN. 2 vols. (Somerset Record Society. Vols. XXIII., XXIV.: 1907-8.)

THE first volume of these records covers the years 1607-1625, the second 1625-1639. Some account of the nature and state of the Somerset records is given by the editor in the preface. The minute books which contain the proceedings at quarter sessions extend from 1607 to 1803, with two gaps, one extending from 1639 to 1646, the other from 1656 to 1666. In 1619 a room adjoining the cathedral at Wells was fitted up for the safe keeping of the records, and they were preserved there till transferred in 1858 to the shire hall at Taunton. As the clerk of the county council, in his answer to the inquiries of the committee on local records, reported that the minute books began in 1650, it seems clear that since 1902 some missing volumes have been discovered or recovered.

The editor has printed by preference the administrative orders of the justices, omitting those relating to criminal business, but adding some documents from the sessions rolls. Every economic or social question of the early part of the seventeenth century is copiously illustrated. The relief of the poor is elucidated by a long series of orders relating to the right of settlement, and the question of housing. The justices disregarded habitually the Act 31 Eliz. c. 7, by allowing cottages to be built without the four acres of land which should have been attached thereto. A considerable number of cases are referred to in which parishes built houses for the homeless poor. Another part of the business of the justices was the erection and maintenance of houses of correction—institutions which also served the purpose of lunatic asylums. The control of the drink traffic was entirely in their hands: they licensed or suppressed ale-houses at their discretion without compensation. The

conclusion one draws from reading through these volumes is that the Somerset justices were very favourable examples of their class: they seem to have fulfilled their miscellaneous duties very well. The editor sometimes compares their action with that of the Devonshire justices, as set forth in Mr. A. H. A. Hamilton's *Quarter Sessions from Elizabeth to Anne*. The records of the Yorkshire quarter sessions, published by the North Riding Record Society, supply ample materials for comparison. It would be also of some interest to test by means of the documents in these Somerset volumes the views contained in the later chapters of Miss E. M. Leonard's *Early History of English Poor Relief*. Her statement that the poor law was negligently administered between 1605 and 1629 seems too strong so far as Somersetshire is concerned.

There is a large amount of miscellaneous information of an interesting character in these volumes. A complaint made in 1615 by one joint-tenant of a farm against another is curious. For thirty years Ball and Fawkenner had held a farm in common, and had made a partition of the grounds and buildings. Ball, the petitioner, 'hath upon his known part used better manurance and husbandry than the said Fawkenner and his predecessors upon his and their part have done, and hath also this present year sown many more acres of corn than the other. The said Fawkenner now upon the sudden, meaning to defeat the said partition so long possessed in severalty and quietness, having eaten up all the grass upon his part, and mowed the other grass and converted it to hay, and securely possessed himself of the same, hath of late entered upon the said several grounds so long sethence divided and enjoyed by Ball.' The justices intervened to protect Ball's crops from Fawkenner's beasts till the law could decide the question (i. 143). One delinquent punished by the justices in 1607 was a man who kept three fighting bulls with which he travelled about the country to wakes, church-ales, and similar festivals. His earnings averaged ten shillings a day while these entertainments lasted (i. 7). Pensions to maimed soldiers appear frequently in the orders: a common soldier might get about 40s. per annum, though sometimes his claims were considered adequately met by a single payment of that amount: an officer might perhaps obtain £20 or £10 per annum (i. p. xxxv). In one case, a curate 'grown impotent through age' was ordered by the justices to be relieved by a rate on the parishioners and the vicar (ii. 144). The case of two men indicted in 1633 for playing 'an idle game used by tossing of a ball' against a church wall is quoted by the editor as an early reference to the game of fives. It seems clear that they were puritans. One of them 'being told by some of the parish that it was a profanation of the said church so to break the windows,' he replied 'where is the church? The church is where the congregation is assembled, though it be at the beacon upon the top of the hill of Quantock' (ii. p. xxvi). Another document of great interest is the letter of Lord Keeper Coventry to the Somerset justices, dated 2 September 1637, stating the rules he observed in granting warrants to collect for charitable objects (ii. 289). It is not noticed in the book on *Church Briefs*, published by Mr. W. A. Bewes in 1896, though it seems to be a circular letter sent to many counties.

C. H. FIRTH.

Neue Briefe von Paolo Sarpi (1608-1616). *Nach den im fürstlich Dohnaschen Archiv aufgefundenen Originalen herausgegeben.* Von D. KARL BENRATH. (Leipzig: Haupt. 1909.)

THE publication of a new series of letters by Fra Paolo Sarpi, especially if, as in this case, their authenticity is beyond suspicion, must always be an event of considerable historical interest. Doubts as to the source and the genuineness of Sarpi's letters impair the value of the earliest and also of the largest collections we possess. Leaving aside the excerpts from Sarpi's correspondence printed by Cardinal Pallavicini with the express purpose of demonstrating heresy, the earliest *epistolario* is that dedicated to the Duke of Brunswick-Lüneburg, and published in 1673 at 'Verona' nominally, really at Geneva. The letters number 123, and are addressed for the most part to Sarpi's friend, De l'Isle Grosloot, and some few to M. Gillot. There is no editor's name attached to the edition, nor any indication of the *provenance* of the text. This collection of letters was 'translated out of Italian by Edward Brown, rector of *Sundridge in Kent*' in the year 1693, and 'printed for Richard Chiswell, at the Rose and Crown in St. Paul's Church-Yard,' London. In the preface (pp. xxvi ff.) the learned translator makes an ingenious attempt to discover the source of the letters, and conjectures that they came from the library of Dr. Colvius of Dort, 'a curious collector of the secret papers and letters of learned men,' though he admits that anything like rigid proof is wanting. The next collection of the Frate's letters was a small group of twenty-four published by his biographer, Bianchi-Giovini, at Capolago, in 1833. These letters were taken from a manuscript belonging to Almoró Tiepolo, and are probably quite genuine, though, as the manuscript has disappeared, we cannot be certain. Next we come to the largest collection, the two volumes edited by Polidori, and published by Barbera of Florence in 1863. Here again there is no indication of source, and the edition suffers from the further defect that the Latin letters have been translated into Italian, while some of the letters are clearly not Sarpi's and others are doubtfully ascribed to him. In 1892 Signor Castellani edited, with an adequate introduction and notes, thirty-six *Lettere Inedite di Fra Paolo Sarpi a Simone Contarini, ambasciatore Veneto in Roma, 1615*. These letters are edited from the original holographs in the Biblioteca Marciana, where they came from the Barbarigo of S. Paolo. They are rightly described by Cicogna¹ as dealing with political affairs, and were intended to keep the ambassador posted in political news; they are therefore of an historical rather than a personal interest. Finally we have the forty-five letters edited with an introduction and notes by D. Karl Benrath, the work under discussion.

These letters are edited from the manuscript in the muniment room of Schloss Schlobitten, the residence of Prince Richard zu Dohna-Schlobitten. Forty-one of them are addressed to Baron Christopher von Dohna, and four to his brother Achatius von Dohna, and they were written between the years 1608 and 1616, that is to say, during the period succeeding the quarrel between the republic and Pope Paul V. Christopher von Dohna was sent, when only twenty-six years old, on a political mission from Prince

¹ *Iscrizione Veneziane*, iv. 701.

Christian of Anhalt on behalf of the Union of Protestant Princes. He was to report on the attitude of the Venetian republic and on the possibility of marching troops into Italy without violating Spanish territory. Dohna made the acquaintance of Fra Paolo and his circle, and his memoranda for the Prince of Anhalt, which have been published by Moriz Ritter,² throw by far the clearest light on Sarpi's attitude towards the Reformation, and the general position of the Venetian republic face to face with the protestant movement in Europe.

The letters published by Herr Benrath help to supplement the information conveyed in the *memoranda*. Sarpi took a great fancy to young Dohna—*il Baron di Dohna, compitissimo cavaliere, fu qui et io ho goduto con molto piacere qualche volta la sua conversazione*—and after Dohna's departure he sent letters discussing the current state of affairs. The letters are valuable from the historical and from the personal point of view. The position of affairs as between France, Spain, the pope, England, the protestant princes, and the Netherlands is frequently handled, and we have shrewd estimates of the characters of Henri IV, whom Sarpi mistrusted, and of James I, whom he despised. The war of the Mantuan succession and the Duke of Savoy's proceedings are recorded at length; indeed, the letters offer a very good specimen of that 'epistolary history' which Pope Alexander VII commended as 'the surest history of any,' and we may apply to them the remark of Edward Brown in his preface to the translation of the Genevan *epistolario*, 'we are told some things in these letters which the father never expected would be made public; and others that we can learn nowhere else; and others still that will open our eyes and teach us to take heed of ourselves.' On the other hand the personal element is not so prominent as in many letters in Polidori's collection. Sarpi was not so much a personal friend of Dohna's as a sympathiser in the policy Dohna was forwarding. Moreover the times were dangerous. Rome was on the look out to catch the Frate tripping; his correspondence with his French friends had fallen into the hands of the nuncio Ubaldini, in Paris, and had been forwarded to the Vatican, whence they were sent to Venice with a view to shaking the confidence of the republic in its adviser. Dohna himself had to warn Sarpi. A note in Dohna's hand runs thus: 'Ich hatte geschrieben Castrin weisete seine Briefe omnibus.' This no doubt prevented Sarpi from speaking out his whole mind, and induced him to take the material precaution of using cypher and pseudonyms which are frequently *unleserlich*.

Since the publication of Dohna's *Memoranda* by Moriz Ritter it is no longer possible to deny that Sarpi favoured the reform movement from political, though not, I think, from religious convictions. In the protestant cause he saw the only hope of thwarting and possibly breaking up the hated 'Diacatholicon,' the union of Spain and the Jesuits, which threatened to stifle all intellectual freedom and to hold Italy in the bonds of superstition. These letters confirm the very clear and positive statements of the *Memoranda*, and at the same time prove—especially the second letter to Achatius Dohna—that Sarpi never had a chance of carrying his government with him. The attitude of Venice was syn-

² *Die Union und Heinrich IV, 1607-1609.* München, 1874.

thesised in the non-committal attitude of the Doge Donà, Sarpi's intimate friend. Indeed, Sarpi himself appears, in these letters, as far less rash and fervid than his disciple, Fra Fulgenzio: in one remarkable passage he defines his aim as conciliation 'seben ho per cosa propria introdur concorda e pratiche.'

Herr Benrath's notes are satisfactory as far as they go, but he does not seem to have made much use of the *Calendar of State Papers, Venetian*; had he done so he could have elucidated the 'mala for tunadi Elfiston' of letter v, and the consecutive passage which refers to Bartolomeo Borghese and the 'Verses on the poor young pope who was so pitifully massacred by the mad monsieurs'; he would have found, too, that the Persian ambassador of letter xviii was Robert Shirley—one of 'that leash of noble brothers' who took service in Persia. The *Squitinio* of letter xxxv,—the *farina gesuitica*—of which the editor remarks 'Die Schrift ist mir unbekannt,' is of course the famous *Squitinio della Libertà Veneta*, *Mirandola*, M.D.C.XII, the inquiry into the theory of Venetian original independence, attributed to Alonzo della Queva, marquis of Bedmar, Spanish ambassador in Venice. The book was burned by order of the Venetian senate. There are several obvious misprints: p. 27, last line but one, *cospetta* should be *sospetta*; p. 37, third line, *die* should be *dei*; p. 39, last line, *à* should be *è*; p. 40, second line, *e* should be *è*; p. 61, fourth line, *gà* should be *già*.

HORATIO F. BROWN.

Institutional History of Virginia in the Seventeenth Century.

By P. A. BRUCE, LL.D. 2 vols. (New York: Putnam. 1910.)

MR. BRUCE, who has already established himself, by his *Economic History of Virginia in the Seventeenth Century*, with its accompanying volume on the social life, as the leading authority on the first century of Virginian history, deals in the present work with the institutions of the dominion. Through an exhaustive study of the contemporary county records he gives an account of the religious, educational, legal, military, and political systems of the colony which is of extraordinary fulness and value. It must be confessed that Mr. Bruce approaches his subject under some pardonable bias of local patriotism, and perhaps this tendency leads sometimes to his lending unnecessary weight to certain evidence. Thus it seems a little dangerous to draw conclusions regarding the religious character of the population from the language of wills; such religious tags were, at the time, the ordinary compliment paid by this world to the next, and can elaim no further significance. Nor are such things as compulsory church-going and annual fasts necessary proofs of genuine religious feeling. Assuredly the picture drawn of the position of the clergy of Virginia is of a more flattering character than one would gather from the observations of the shrewd Spotswood, who wrote at the beginning of the next century. The real truth is that there are generally two sides to a shield; and, while Mr. Bruce dwells on the official evidence which is of a favourable character, he perhaps tends to ignore the possibility of evidence of a different character. To emphasise his moral, the picture he draws of contemporary England is taken from the pages of Macaulay. It does not

need the evidence of Lord Acton's letters to Miss Gladstone to prove that Macaulay was a great historian; but no reasonable critic would seriously maintain that his views on such subjects as the position of the English clergy represent every side of the facts.

Be this as it may, it is in no spirit of carping criticism that anyone who has studied, however superficially, early colonial history, will put down these volumes. The part dealing with 'legal administration' is of special importance and value. Mr. Bruce here, for the first time, cuts a clear path through the labyrinth of magistrates' courts, parish courts, the county court, the general court, and the jurisdiction of the general assembly. Hardly less of interest is the very clear account of the military system. Mr. Bruce is not for the most part a writer who depends upon attractions of style. The more noteworthy is the eloquent passage with which the volumes close.

But not even the Revolution could efface on our continent the mighty work which England had done through the growth of Virginia, and the other American colonies, however far, even in colonial times, some of the latter may in many respects have drifted from the distinctive landmarks of the mother country. Her general principles of law and government, her doctrines of the reformed religion, her standards of morality, her canons of literary taste, and her practical and conservative spirit had been too deeply stamped upon all those communities for a political revolution to diminish their influence, especially when this revolution was a revolt against the mother country's departure from the genius of her own institutions. . . . If to-morrow a vast wave of the Atlantic, set in motion by some appalling convulsion of nature, should sink England for ever below the level of the ocean, and thus destroy the last remnant of her population and the last vestiges of her cities and her fields, yet in her spirit, which represents all that is highest in nations as in individual men, she would still survive in that great power oversea whose seed she planted, whose growth she nourished, and whose chief claim to the respect of mankind will always consist in upholding those general ideas of law, government, and morality which its people inherited from that little island lying like an emerald in the stormy seas of the north. From this point of view the foundation of Jamestown becomes the greatest of all events in the modern history of the Anglo-Saxon race, and one of the very greatest in the history of the world. From this point of view also the conditions prevailing in colonial Virginia, the foremost and most powerful of all the English dependencies of that day, and the one which adopted the English principles and ideas most thoroughly, and was most successful in disseminating them, becomes of supreme interest; for from these conditions was to spring the characteristic spirit of one of the greatest of modern nationalities, and from these conditions was to spring a permanent guarantee that, whatever might be the fate of England herself, the Anglo-Saxon conception of social order, political freedom, individual liberty, and private morality, should not perish from the face of the earth.

One is reluctant to differ from Mr. Bruce upon any point of Virginian history. It is necessary however to point out that his views with regard to the disputes in the Virginia Company are opposed to those of perhaps an even greater authority upon this branch of the subject, Mr. Alexander Brown. It seems clear that there were not merely two parties in that controversy, the liberal party under the leadership of Sir Edwin Sandys, and the party of reaction under Warwick and Sir Thomas Smith. There were in fact three parties, and the city element in the Company, led by

Smith, should not be identified with the faction which had in view exclusively its own private gain. In the absence of the records of the first years of the Company, it is impossible to speak with confidence concerning the history. But letters from George Sandys, preserved in the Manchester papers calendared by the Historical MSS. Commission, seem to show that the years of the ascendancy of the Sandys party, before the massacre of 1622, were not quite the halcyon days that it became afterwards the fashion to represent them; and in any case it seems grossly unfair to one who greatly contributed to found the English empire, both in the east and in the west, to speak, as does Mr. Bruce, as if the death of Sir Thomas Smith was a blessing to the colony.

There is one other point upon which this work seems open to criticism. The chapter in the second volume, on the English board of control, is rather sketchy and inadequate; and Mr. Bruce does not seem to be familiar with Professor C. M. Andrews' exhaustive monograph on the subject of English councils and committees of trade and plantations, 1622-1675, or with the third volume of Professor Osgood's *The American Colonies in the Seventeenth Century*. The consideration of this question is however outside Mr. Bruce's main subject. When he is dealing with the records of Virginian history, there are no limits to the extent of his industry and erudition.

H. E. EGERTON.

The Great Civil War in Dorset. By A. R. BAYLEY.

(Taunton: Barnicott and Pearce. 1910.)

MR. BAYLEY did well to come to the rescue of the reader of his lengthy and detailed book by providing a list of leading dates at the outset. Without this help the way would often be lost; and even as it is, is sometimes hard to find. Mr. Bayley has had to face problems of selection and arrangement inevitable for the writer on a local aspect of a national crisis. To what extent must the history of the whole be told to make intelligible the history of the part? Where is the line to be drawn between the necessity on the one hand of scientific treatment with duly quoted authority, and on the other hand the need of sparing the reader unwieldy masses of unsifted original material? If Mr. Bayley has not always found a satisfactory answer to these queries, the fault lies partly in the defects of his qualities, and partly in the special difficulties of his subject. He has patiently examined a mass of original material, but has handed it on to his readers in a rather wholesale way. The story of the war in Dorset is particularly hard to tell, for, though in one sense the geographical position of the county gave it importance, in another sense it robbed it of local significance and tangled its fortunes with those of the whole south-west.

The reader of the *Civil War in Dorset*, then, must have a stout heart and a long memory: but he will find much to reward him, and will reach certain general conclusions which might very well have found a place in an introductory or concluding chapter. He will find, for example, abundant and pathetic illustration of the disorder and want of discipline which hampered both sides, and did so much to produce that 'bleeding condition'

of the country when the war ended. Both Royalists and Parliamentarians have much to say at times of the cowardice and disobedience of their men. Lord Bedford had to abandon the first siege of Sherborne Castle because, as soon as the bullets began to fly, his troops made off. Less than 1200 men remained, he wrote, out of 3300, 'and God knows how many will slip away to-night' (p. 52). The Royalists were as bad. When they were besieging Lyme Regis they sent to inquire about the fate of several of their commanders.

'It is likely they found them afterwards among the dead bodies,' wrote one of the besieged in his diary, 'for I suppose they could not be so cowardly as to run from their quarters, as abundance of common soldiers did, because the time was very fit for them, it being a dark, foggy evening, so that the horsemen could not keep them and slash them together as they did in bringing them on' (p. 152).

At other times misdirected zeal was as hard to control. The Parliamentarians under command of Sir Anthony Ashley Cooper were so eager for plunder at the sack of Abbotsbury that neither orders nor the warning that there was a powder magazine near the fire would stay them.

The threatened catastrophe was not slow in coming; for the gunpowder, taking fire, blew up all the plunderers in the house—between thirty and forty in number—and lifted eighty who were in the court a yard from the ground (p. 228).

All through the men were too anxious to 'be their own carvers,' as a contemporary put it. 'Five shillings gotten in way of spoil from the enemy gives them more content than twenty shillings by way of reward in an orderly manner' (p. 288). Most commanders, finding their pledges and their orders disregarded, submitted to the inevitable. Fairfax was an honourable exception. 'Fairfax, like a noble general, before his departure from Sherborne ordered restitution for our soldiers' violence done to the garrison: a work worthy to be chronicled to posterity' (p. 289). That praise was better merited than the general approbation of Lieut.-Colonel Pitman, who treacherously brought in a hundred men of the enemy to Corfe Castle, while the unsuspecting governor 'stood to welcome them with much courtesy, some of the men being from Somerset and he being that countryman' (p. 302). The defence of Corfe Castle at an earlier stage (June to August 1643) by Lady Bankes was one of the most gallant episodes in the war (pp. 83-87). Equally high, but in Parliamentarian instead of Royalist annals, should rank the resistance of Lyme Regis (April to June 1644) to Prince Maurice (pp. 136-189). There are many heroic deeds, by the way, in pleasant contrast to the darker picture of cowardice given above. Some of the heroes are nameless, such as the lieutenant who 'bled to death encouraging his men with great cheerfulness' near Wareham (p. 123): or the sailor at Lyme of whom we read,

One of them among the rest that bore the mariners' colours being a stout man, both of person and courage, stood in the breach displaying the colours so bravely that out of all doubt he was a great encouragement to the rest of the soldiers, he never giving a foot of ground till such time as the staff of the colours was shot off in his hand, with two or three of his fingers, saying to another of his fellows

standing by him in those or the like words, "Here, take you the colours, while I go to the surgeons to be dressed" (pp. 168-9).

The narrative often suggests interesting points of comparison with other counties. We may compare, for instance, the attitude of Dorset and Shropshire in regard to shipmoney. In Dorset the tax was paid 'like drops of blood' (p. 4), and riots followed the attempts at collection. In Shropshire, on the other hand, 'the whole county for the general are very willing in paying this money,' though willing also to delay and dispute over the method of assessment. Yet Shropshire was an inland and Dorset a maritime county, so that one might have expected an opposite state of affairs. In Dorset, as elsewhere, again, deeds of cruelty reflected the alarm caused by exaggerated rumours of the horrors of rebellion in Ireland. Eight Irish prisoners taken at Dorchester 'had such quarter given them as they gave the Protestants in Ireland; videlicet, they hanged them up presently' (p. 204). At Wareham a clause in the conditions of surrender provided safe-conduct for the Irish among the garrison. Some however had already been butchered by their fellow-soldiers, 'in part in requitall of the Protestant blood which they and their barbarous and bloody brethren had shed in Ireland' (p. 209). It is worth while to compare with this the terms when Shrewsbury was taken for Parliament. There the English were to have free passage to Ludlow, but the Irish to be surrendered. Thirteen accordingly were hanged, an act of barbarity to which Rupert retorted by hanging 'thirteen honest Protestants.'

The book as a whole, then, is a quarry of interesting things, though access has not been made very easy. But the task is quite worth while, if only to get the picture of Sir Lewis Dyve dining with Evelyn in Paris, chuckling over his adventures and the memory of the day when he left supper and friends 'to be merry without their host' and made good his escape: or of Sir Walter Erle in his garden 'cut into redoubts and works' suggestive of his exploits in the Low Countries; he had possibly forgotten the day when outside Corfe 'for fear of the bullets he was seen to creep on all fours along the sides of the hill to keep himself out of danger.' But perhaps that was a wicked bit of Royalist gossip.

HILDA JOHNSTONE.

The Cambridge Modern History. Planned by the late Lord ACTON, LL.D. Edited by A. W. WARD, Litt.D., G. W. PROTHERO, Litt.D., STANLEY LEATHES, M.A. Volume VI, 'The Eighteenth Century.' (Cambridge: University Press. 1909.)

THIS volume of the *Cambridge Modern History* is only surpassed by one of its predecessors from the point of view of subdivision of labour, the 837 pages which it contains being contributed by no fewer than twenty-four different writers. The aid of continental specialists has again been called in for certain parts, in particular the German and Russian history. Dr. Emil Daniels, who contributes seventy-one pages on Prussia under Frederick William I and the Seven Years' War, is indeed the largest contributor to the volume, the next largest being the late Mr. Nisbet Bain, who supplies sixty-two pages. The period dealt with in it extends from the treaty of Utrecht to the outbreak of the French revolution. It is one peculiarly

calculated to reveal the weaknesses of the co-operative method of writing history, for it is difficult in it to avoid overlapping and repetitions. The early chapters in particular, which deal with the complicated shufflings of the cards in the diplomatic game which took place between the treaty of Utrecht and the outbreak of the war of the Austrian succession in 1740, are very much affected by this difficulty, with the result that very careful reading and reference from one part of the book to another are necessary to avoid a certain feeling of confusion, a confusion which is not diminished when we find two treaties of Madrid mentioned in the chronological table (in 1721 and 1749), but only one, the first and more important, referred to in the index. The diplomatic history includes two treaties of Paris and three treaties of Vienna to add to the intricacy of a tangle of negotiations, intrigues, and counter-intrigues, which are as confusing to the historical student as they no doubt were to the parties who took part in them. Even Frederick the Great owed his greatest danger to a combination which he could not foresee. It would certainly seem that the plan of dividing the narrative between different writers tends to add to the confusion. The reader must reconstruct the narrative of the diplomatic history by a comparison of the different chapters if he wishes to give any degree of clearness to his impression of the course of events. Sicily, Sardinia, Parma, Tuscany, Lorraine, Bavaria pass like counters in a game of chance from one hand to another, and we are thankful for some guiding principle in one of the players, such as Elizabeth Farnese's persistent desire to obtain Italian appanages for as many of her sons as possible, to guide us through the intricacies of the game.

The history of English home and foreign affairs, down to the rise of the elder Pitt, is dealt with by Dr. Ward, Messrs. J. F. Chance, H. W. V. Temperley, and Professor C. S. Terry, the last of whom describes the rise and fall of English and Scotch Jacobitism and the results of the Scotch Union. Mr. Temperley's portion, dealing with Walpole and the Pelhams, is remarkable for the lucidity with which he explains the character and policy of the leading actors, and the interest which his treatment gives to a somewhat dull and unheroic period of English history, in particular by his clear statement of the bearings of Walpole's economic policy. Professor Terry's valuable chapter is evidently based on considerable original research; but he might have found more light on the nature of the Jacobite support in Manchester, if he had consulted the *Journals of John Byrom*. The facts given there are such as to justify the opinions of the prince's advisers, rather than the rosy expectations of the prince himself. Mr. Benians in chapter vi brings out clearly the interdependence of the schemes of John Law and the South Sea Bubble with the progress of French and English colonial development. England's comparative immunity from colonial disaster through the failure of the South Sea Company, as compared with the lasting injury to French colonial prosperity through the collapse of Law, was due largely to England having a Walpole, while France had not. Mr. Armstrong lets some light into the dark labyrinth of the diplomatic history of the period by his clear and full statement of the character and aims of Elizabeth Farnese, in two chapters whose excellent sketches of the principal characters make them two of

the most readable in the volume. They cover the history of the Bourbon governments of France and Spain from 1714 to 1746. Mr. Atkinson's account of the Pragmatic Sanction and the War of the Austrian Succession is clear but somewhat closely packed with detail, while many of the names are mere names. His generals have no individuality given to them by any introductory sketch. Dr. Emil Daniels' chapter on Prussia under Frederick William I will do much to upset the idea of that monarch as a mere animated drill-sergeant, which was popularised by Macaulay. He shows how essentially the army with which Frederick the Great fought his battles was the creation of his father, a feat which no mere drill-sergeant could have accomplished. He also writes on the Seven Years' War: a chapter in which an astonishing number of details of military movements and battles are crowded into forty-nine pages.

For the history of the Empresses Anne and Elizabeth, the first two of the great women who guided Russia into its position as a European power during the eighteenth century, the editors have had the advantage of the accomplished knowledge of the late Mr. Nisbet Bain, who was always able to make the character and motives of the leading actors stand out in their proper proportion. Mr. Jean Lemoine writes a clear account of the history of France from 1743 to 1774, doing full justice to Choiseul, but not minimising his mistakes. He shows how Choiseul's reorganisation of the French navy prepared France for the struggle with England, which ended in French intervention securing the independence of the United States of America. Mr. George Edmundson contributes a succinct and clear account of the reforming revival in Spain and Portugal, including the characteristically eighteenth-century measure of the expulsion of the Jesuits from those erstwhile strongholds of the papacy; and a short sketch of the history of Brazil in the seventeenth and eighteenth centuries. Dr. Wolfgang Michael writes adequately, though somewhat coldly, on the elder Pitt, whose figure might have been utilised to advantage to relieve the dullness of the recital of the continual replacement of one obscure, characterless mediocrity by another in different ministerial offices, which makes up too much of Mr. Rigg's learned chapter on the 'king's friends.' The period 1782-1793, including the rise of the younger Pitt, and the various India bills, a less tedious one, is narrated by Mr. Martin J. Griffin, who explains the character and bearing of these and other measures with great clearness; while the affairs of Ireland, still controversial in the extreme, are soberly treated by Mr. Dunlop.

A valuable summary of the history of the Moghul empire by Sir A. C. Lyall follows; while Mr. P. E. Roberts in his two sections on 'The English and French in India,' and 'Clive and Warren Hastings,' sheds a clear and impartial light on some episodes of history which the eloquence of Macaulay and Burke has popularised and distorted at the same time. The phenomenon, curious but typical of the century, of the reaction against clericalism and in favour of 'enlightenment' in the stronghold of the papacy, Italy itself, is succinctly described by Mrs. H. M. Vernon in a chapter on Italy and the papacy. Switzerland has a chapter to itself, principally devoted to a description of the system of foreign service, by Professor Schollenberger. The career and policy of Joseph II, the typical eighteenth-century benevolent despot, are described without partisanship

by Professor Eugène Hubert. Catherine II, whose figure, with that of Frederick the Great, dominates the period, receives full justice at the hands of Dr. Otto Höttsch. The last years of Frederick and his interesting social and economic reforms, as well as the reign of his successor, are very well described by Dr. Emil Daniels; while the history of Poland and Prussia from 1763 to 1791 is sketched by Dr. Otto Höttsch. With chapter xxi we enter on the sphere of romance in eighteenth-century history in the history of Denmark under the Bernstorffs and Struensee, whose careers lose none of their interest in Mr. Reddaway's narrative. The same thing is true, to an even greater degree, of the chapter by the late Mr. Nisbet Bain on the Hats and Caps and Gustavus III. Mr. A. L. Smith's chapter on English political philosophy is learned and full of suggestion, though at times too much of a commentary and too little an exposition. The weakness of such chapters lies in the fact that the political thought which really influences people's minds, and is therefore of the first importance, is not always to be found in the set treatises. Blackstone's *Commentaries*, for instance, not a book on political philosophy, but a law-book containing political philosophy exercised a great influence over the mind of George III. In the fifteen pages of the last chapter, Professor Vaughan, in a very limited space, does what can be done to indicate some of the main lines of the literary development of Europe in the time of the romantic movement.

The text is followed, as usual, by bibliographies. It is significant of the composite character of the authorship of the book, that no mention of Carlyle's *Frederick the Great* appears in the bibliography of the Seven Years' War by the German scholar, though we find it, as is only just, in the bibliography of the chapter on the history of England during the same period.

W. E. RHODES.

La Révolution du 10 août 1792 ; la Chute de la Royauté. Par PH. SAGNAC.
(Paris : Hachette. 1909.)

THE revolution of 10 August is one of the many instances which prove how hard it is to learn the exact truth about any event, although conspicuous in itself and comparatively near in point of time. The most instructive chapter of the present volume is that which analyses the available materials. These are of two kinds, narratives of eye-witnesses and official documents. The eye-witnesses included men of all parties, royalists, constitutionals, and revolutionists. Their narratives were given to the world at very different dates, the latest, Roederer's, being published in 1832. But such narratives, when at all detailed, probably embody notes, more or less copious, made by the author long before. If the notes were full and of early date, the narrative based upon them might be of high authority, however late it were published. For official documents we have the *procès-verbaux* of the legislative assembly and of the Paris sections. The Parisian *procès-verbaux* were mostly destroyed in the insurrection of 1871, but large extracts had already been made by Buchez and Roux as well as by Mortimer-Ternaux. There also remain various municipal documents and a number of papers in proceedings before the tribunals

relating to the affair of 10 August. From a comparison of all these sources, which seem never to have been thoroughly utilised before, it is possible, not to make a full and precise narrative, but to correct many errors found in historians both friendly and unfriendly to the revolution.

M. Sagnac begins with a lucid sketch of the events which culminated in the revolution of 10 August. He discriminates very clearly the respective parts taken by the Jacobin club, by the affiliated societies, by the sections, and by the *fédérés* from the provinces. The insurrection had long been openly prepared and once or twice had all but exploded. The court had also made preparations, feeble though they were. Those engaged in the actual conflict were not very numerous. People talked of an attack on the Tuileries by 100,000 men; probably there were not more than 20,000 assailants. For the defence there were available 900 Swiss, a number of gentlemen armed with swords, the mounted gendarmerie about 900 strong, and some 2000 national guards. Even before the attack was delivered it became clear that the bulk of the national guards and the gendarmerie would desert to the assailants. This once certain, a successful resistance could not be expected. Inglorious as it was, the retreat of Louis to the legislative assembly did not decide the fortune of the day. The insurgents made their way from the Carrousel into the Cour Royale and began fraternising with the Swiss. How exactly the firing began will never be known. In the subsequent examination the Swiss officers denied that they had given the order, while some of the private soldiers declared that they had received orders to fire. It is clear that in the circumstances officers and men alike had the strongest motive to lie. The assailants of course said that the order to fire had been given, and M. Sagnac takes that view. It should seem that two alternatives are possible. A shot fired in sport or by accident at such a moment might easily start a fusillade, or the Swiss officers may have given the order. They were in charge of the palace; the insurgents were trying, not without success, to make the Swiss soldiers desert, and their officers may have thought this the only means of keeping the force together and holding their ground. The Swiss soon cleared the court, but they were too few for effective pursuit. Some of the revolted national guards and the Marseillais stood firm, and the arrival of the men of Saint Antoine enabled them to resume the offensive. Their cannon did much execution, and the Swiss were running short of ammunition. Word was brought to the king in his retreat that the Swiss were succumbing, and he then wrote the famous order to cease firing. This order therefore did not affect the result. An official list reduces the total loss of the insurgents from the thousands in Michelet to 376 killed and wounded, a remarkably small figure if the fight really continued for two hours and a half. On the royalist side there fell many gentlemen and about 600 Swiss, mostly slaughtered after the battle. In mitigation of this massacre M. Sagnac pleads that the insurgents regarded themselves as victims of treachery. Contemporary evidence shows that there was a good deal of pillaging in the Tuileries, but that it was not general; that some thieves were hanged on the spot and many valuable objects restored to the authorities. The Marseillais in particular were not foreigners or criminals, as anti-revolutionary historians have asserted, and some afterwards proved their mettle in

more equal warfare. Although M. Sagnac himself is not absolutely impartial, he has done a useful piece of work and made a real contribution to the history of the time.

F. C. MONTAGUE.

Fürst Karl Leiningen und das Deutsche Einheitsproblem.

VON VEIT VALENTIN. (Stuttgart: J. G. Cotta. 1910.)

PRINCE CHARLES LEININGEN was a remarkable figure in the troubled annals of the German revolution of 1848-9; and his personality and its surroundings present a unique combination which is aptly summarised by Dr. Valentin. He was at the same time 'a prince and a private individual; a large landed proprietor and a liberal; a parliamentarian and a minister; a born ruler and the irresponsible correspondent of crowned heads; a cavalier and a father of his petty people; a courtier and a patriot.' Thus it is perhaps a matter for wonder that he should have so long awaited his biographer. Dr. Valentin, who is well equipped as a student of the political history of Germany in that fateful period, and who has had access to the ample documentary remains of the prince's career in the family archives at Amorbach, will, we may hope, at some future time elaborate and expand his present survey of these and other materials into a work which will enduringly preserve in historical literature the memory of a life not to be dismissed as a failure because it fell almost pitifully short of political success. As it stands, his monograph on *Prince Charles Leiningen and the Problem of German Unity* does not tell us enough of the man to make us thoroughly understand even his political idiosyncrasy. On the other hand, Dr. Valentin, at several stages of his historical treatise, seems here and there to go out of his way in order to contrast the political principles and aspirations of Prince Leiningen with those of his cousin, the Prince Consort of England, with whom he was connected by the double tie of cousinship and of the marriage of the younger of the two princes to Queen Victoria. Doubtless Duke Ernest II of Saxe-Coburg-Gotha misrepresented the relations between the pair in describing Leiningen as the mouthpiece of his kinsman; but their differences of opinion are not always illustrated after a fashion quite fair to the Prince Consort, who was by no means a captive either of his 'dynastic' interests or of his personal position. An English critic is justified in adding the remark that 'flings' at the policy of a foreign nation are unworthy of an historical writer, more especially of one whose theme is the career of a political thinker notable for the breadth of his sympathies as well as for the generous ardour of his spirit. It is probably true that English public feeling was, in these years and later, frequently lacking in warmth towards German national aspirations; but it is assuredly an oblique reading of history which suggests that in the immediately preceding period England might have 'found in Prussia-Germany the friend she always needed for keeping up discord between the continental powers'—had it not been for the impossibility of reconciling her new free trade principles with the protective system of the *Zollverein*.

Prince Charles Leiningen was one of those votaries of the pen who are such chiefly because the opportunity for personal action is denied to them, in spite of their consciousness of definite aims, and of a strength of will

suitable for carrying these into execution. His *mémoires* accompanied almost every turn in German politics during the days when hope ran high, only to run down again like the sands in the hourglass. These documents are analysed in succession by Dr. Valentin, from the earliest onwards, in which the prince invited his brother *Standesherrn* to abandon most of the privileges of their position in order to make a wider use of what would remain of them—and even of this he at a later date urged the sacrifice. The series includes the *mémoire* of November 1849 and the ‘confession’ of 1852, in which the disillusioned advocate of Prussian hegemony turned to the forlorn *pis aller* of co-operation between the two great German powers. Nor did he disdain to set in motion the influences of journalism proper, then only beginning to be applied in German political life, and, on occasion, to become a journalist himself.

His own direct political action—as fate would have it, for he was no Quixote—was little else than a series of disappointments. Only in its earliest important phase was it as successful as it was courageous. For there can be little doubt but that in March 1848—in the breathless interval between the Paris and the Berlin revolutions—it was Leiningen whose high-minded and plain-spoken advice to Lewis I of Bavaria, at the crisis of the conflict between that sovereign and his exasperated people, induced the king in the midst of his infatuation to yield, and thus to save his throne, although not for himself. When, soon afterwards, the more complicated problem of German constitutional reform seemed suddenly ripening to a solution, and when for a brief moment (literally, for not quite a month) Leiningen was himself, by Stockmar's advice, called to preside over the *Reichsverweser's* ministry at Frankfort, the party pledged to the consummation of national unity and to the firm establishment of the central power could not have secured a more acceptable imperial prime minister than this popular prince. But the refusal of Prussia and her king, whose ears were stopped even to Bunsen's eloquent pleading, proved fatal to the success of the unitarian programme; while, as the irony of events would have it, Leiningen's ministry actually fell because it was unable to persuade the National Assembly, in the first instance, to assent to the inevitable, and sanction the truce concluded by the Prussian government with the Danish at Malmö. In the time which followed, and in which the central interest of the political situation was the acceptance or refusal of the imperial crown by King Frederick William IV, Leiningen no longer held an official position; for his nomination as imperial commissioner at Vienna in the days of the Vienna October insurrection came to nothing. But he worked hard for the acceptance of the crown, more especially by means of his influence in Bavaria. His correspondence with the Princess of Prussia (afterwards Empress Augusta) is very noteworthy, representing on his side a last attempt to bring about the merging of Prussia in Germany, and on hers a steady maintenance of the position that Prussia must make her own terms. What in the future these terms were to be, neither Leiningen nor the sagacious princess could foresee. But in politics there is, as Leiningen well knew, no finality; though his own ultimate move towards Austria can hardly be described otherwise than as the inconsistency of a ‘resignation’ all but akin to despair.

A. W. WARD.

La Guerre de 1870 : Causes et Responsabilités. Par HENRI WELSCHINGER.
2 vols. (Paris : Plon. 1910.)

M. WELSCHINGER is one of the now not inconsiderable band of students who, after winning their spurs as historians on the field of the first empire, have sought new conquests in the hardly less adventurous annals of the second empire. Not all of this company have succeeded in winning fresh laurels in the attempt. M. Welschinger is therefore to be congratulated on having produced, in his present volumes on the war of 1870, a work which will in no way detract from the reputation he has already earned by his earlier Napoleonic studies. We pay him perhaps a higher compliment in saying that, though his latest volumes will not oust Sorel's work on the war of 1870 from our shelves, they are yet worthy of a place by the side of the *Histoire diplomatique de la Guerre franco-allemande*. Curiously enough M. Welschinger misquotes the title of this work in his preface.

M. Welschinger acted as secretary of the archives of the Corps Législatif in the closing years of the empire, and assisted in a similar capacity at the sessions of the National Assembly during the early years of the Third Republic. To this official position he owes an intimate acquaintance not only with the debates but with the documents of the period. Some of these last, which have not before been published, are reproduced in this book; but it must be confessed that, though interesting in themselves, such documents as here appear for the first time do not serve to establish any new facts of material importance. It is indeed not as a primary but as a secondary authority that the true value of M. Welschinger's book consists. To say this is in no way to disparage his work. Of authorities professedly primary—memoirs, souvenirs, explanations, revelations, apologies—we have had already a superabundant stream from the various actors in the war of 1870. Indeed, of the Frenchmen who were chiefly concerned in the political and military collapse of that year, the majority have by this time attempted some justification of themselves in print. But almost without exception these apologists seem to have felt that, amidst the countless criminal blunders which contributed to the *débâcle*, no one on the French side could hope to establish his individual innocence of blame except by proving himself misdirected by his superiors, disobeyed by his subordinates, misinformed or misunderstood by his own companions. Hence the mass of the French first-hand accounts of the campaign, contributed by those who participated in the war or in its disastrous diplomatic prelude, are apt to degenerate into a pitiful series of mutual recriminations; each writer condemns that he may not be condemned; and of Frenchmen the very men who have most need of fair, and even generous, treatment from posterity are least capable of being generous, or even fair, in their own verdicts on their contemporaries.

In strange juxtaposition to this chorus of French disclaimers is the clamorous protestation of a single German that he alone was truly responsible for the war. On the one side we have the sufficiently pitiful scene of a host of French memoir-writers vainly endeavouring to excuse themselves of blunders tantamount to crimes; on the other—a far more sinister spectacle—we see Bismarck accusing himself all too successfully of a crime

that was no blunder. The task which M. Welschinger has set himself is to discern from the various memoirs, and to apportion between their protesting authors, the true 'causes and responsibilities' of the war of 1870.

This task he achieves by a lucid and on the whole an impartial account of the course of events from the sudden diplomatic crisis of July 1870 to the signature of the preliminaries of peace in February 1871. A brief survey of the origin of the Hohenzollern candidature is followed by a detailed examination of events during the critical fortnight that preceded the outbreak of war: M. Ollivier's bellicose manifesto of 6 July, the fatal demand for guarantees of 12 July, the mischievous publication of the Ems telegram on 13 July, the supreme councils and last hesitations of the 14th, culminating in the declaration of war on the following day. This portion of M. Welschinger's work forms a rather too obvious counterblast to the concluding volumes of M. Ollivier's ample apologetic. It was inevitable that those volumes should provoke criticism, for they contain a good deal of practised special pleading. But in his desire to counteract this special pleading, M. Welschinger too has a little descended from the judicial attitude proper to the historian; he comes down into the arena to attack where M. Ollivier defended, and defend where he attacked. Hence the present author's account of the diplomatic prelude to the war is a consistent refutation of excuses advanced on his own behalf and on behalf of his foreign minister by the liberal premier; similarly his narrative of the negotiations for peace is a sustained panegyric of Adolphe Thiers, whom M. Ollivier has always unduly disparaged. Such a distribution of praise and blame is on the whole justifiable; but in either case qualifications might be made which M. Welschinger has not made. Thus he does well to blame the provocative pronouncement which M. Ollivier made through the Duc de Gramont to the chamber on 6 July; but because its author strangely persists in defending and even extolling his manifesto, M. Welschinger on his side is not content with judicial censure. He carries his condemnation of the pronouncement so far as to declare that it rendered war inevitable. Manifestly it brought war appreciably nearer; but as manifestly it did not render war inevitable. Peace with honour was well within the grasp of France five days later, on the withdrawal of the Hohenzollern candidature; indeed—though this in no way justifies M. Ollivier's menace—the violence of Gramont's language on the 6th might even have enhanced his possible diplomatic triumph on the 12th. For, thanks to it, Prussia would have had the appearance of retreating from an untenable position under a direct threat of war.

Valuable chapters follow on the Ems telegram and the hypothetical alliances of France in 1870. Attempts have been made by both German and English writers to minimise the importance of the Ems telegram; the fact being that public opinion in both England and Germany had grown so used to the idea that France alone was responsible for the war, that it was reluctant to learn even from Bismarck's own lips how completely he had succeeded in deceiving it. The general argument of these minimisers has been that Bismarck merely availed himself of his master's permission in condensing the telegram; that subsequently in a moment of pique he exaggerated his own responsibility for the war. M. Welschinger demonstrates that Bismarck had no authorisation at all from his

sovereign to tamper with the telegram ; that his condensation of it involved not only a *suppressio veri* but a *suggestio falsi*, since it conveyed, and was designed to convey, the impression that an affront had been received and resented, when no affront had occurred at all. In the actual condition of Parisian opinion the publication of this mendacious account did in fact serve, and was beyond doubt designed, to precipitate a declaration of war. Here M. Welschinger is merely emphasising a truth which still stands in some need of emphasis. In his chapter on the alliances he throws doubt on a time-honoured assumption which has perhaps never yet received sufficient historical proof. It has been customary to moralise on the disastrous diplomatic effects on Napoleon III's policy of the maintenance of the temporal power in Rome : M. Welschinger shows some reason for doubting whether the abandonment of Rome would really have resulted in any effective intervention of Italy on the side of France.

His narrative of the actual campaign is chiefly concerned with the conflicting schemes of the French generals, their various degrees of responsibility for the opening disasters of the war, the reaction of political and military blunders upon one another, the crowning catastrophe of Sedan, the vanishing hopes of European intervention, the tortuous intrigues of Bazaine with Bismarck after the fall of the empire, and the means by which the latter coerced or cajoled the reluctant monarchs of south Germany into an acceptance of the Prussian overlordship. All this is excellently told ; but in his concluding chapters on the restoration of peace M. Welschinger allows himself to be somewhat carried away by his desire to vindicate Thiers at every point. That Thiers believed himself to be obtaining the best terms of peace obtainable we have no doubt : M. Welschinger does not altogether succeed in convincing us that he was right in this belief. 'If you talk to me of Europe,' said Bismarck to Thiers, 'I will talk to you of the Emperor' ; and this threat to restore the empire unless the republic proved amenable undoubtedly weighed with Thiers. But it was a threat which a more discerning negotiator on the French side could have afforded to ignore, for it was one which Bismarck could not have translated into action. On the other hand, in his own hint at the possibility of inflicting on Germany a prolonged guerilla warfare in the face of an increasingly hostile Europe, Thiers possessed a really valid threat. For Germany such a war could have brought no new triumphs, but only a vastly increased military expenditure, with always the awkward possibility of European intervention in the end. For France the cost of continued war of this kind could hardly have exceeded the price of peace—the provinces and the indemnity. Both Bismarck and Thiers were anxious for peace, but in the course of negotiations Bismarck succeeded in disguising his anxiety, and Thiers did not. He was content to accept as the equivalent of his own valid threat an invalid counter-threat ; and this mistake in conjunction with the other showed him as much Bismarck's inferior in diplomacy as the French generals had proved themselves unequal to their German opponents in the field.

Save in these two particulars—a somewhat extreme severity in his handling of M. Ollivier, and an almost unmeasured admiration of every action of Thiers—M. Welschinger has succeeded in conducting an impartial investigation into the causes and responsibilities of the Franco-

German war, towards the diplomatic history of which his present volumes form a valuable contribution.

The book is not free from misprints or slips of the pen. 'Chislehurst' in the heading of chapter xii. should be *Wilhelmshöhe*; *décision*, vol. i. p. 112, l. 11, must be emended to *démission*; *l'Europe*, vol. ii. p. 123, l. 24, to *l'Empereur*. Minor misprints, such as that in the footnote to p. 256 in the same volume, need not here be catalogued; but 'the English historian, Lord John Motley,' on the last page but one of the book, deserves honourable mention. We were in doubt for a moment whether Gladstone's biographer or the historian of the Dutch Republic were intended; the context however seems to favour the latter conjecture.

F. A. SIMPSON.

Liberté de Conscience et Liberté de Science. Études d'histoire constitutionnelle. Par LUIGI LUZZATTI. Traduit par J. CHAMARD. (Paris: Giard et Brière. 1910.)

THE contents of this volume are miscellaneous. It includes essays on Themistius, King Asoka, St. Bernard, Spinoza, and others: notes or addresses on the principles of co-operative societies, on the monument erected to Servetus at Geneva, on the poems of Carducci: reviews or discussions of Harnack's *Luke the Physician*, of the works of Buckle, of the hypotheses of Darwin and the subsequent history of evolutionary theory; remarks on the Scotch free church controversy and its application in Italy, on the questions between church and state in France, Switzerland, and elsewhere. There is however one leading idea which connects the whole. The author maintains that religion should not set any barrier to the growth of knowledge, and that the state should not set any barrier to the growth and free exercise of religion. This end can, he holds, only be attained if no religion is professed or endowed by the state; when the state is free from any specific religious ties, it will then find itself able to encourage all forms of religious feeling and exercise.

This conception is not new, but it is illustrated and expounded with a warmth and feeling and a courtesy in criticism which testify to the strength of Signor Luzzatti's conviction, both on its religious and on its political side. The volume is well worth reading, for it cannot be a matter of indifference that an influential statesman in a high position should hold views which are at once sane and progressive, and that his interest should be extended so as to include a detailed knowledge of the course of events in countries other than his own. It will do us in England no harm, especially if our views are not altogether those of the author, to notice what impression the recent English controversies on these matters produce on an intelligent observer outside. Signor Luzzatti is the last person to ignore the fact that 'establishment' is an ambiguous term as applied to churches, that the relation between church and state is different in nearly every case owing to historical circumstances, and that liberty in the sense in which he uses the term is not necessarily to be secured by disestablishment. But he is probably within his rights when contending that the progress of religious liberty in England has been slow, that complete religious equality has not yet been attained, and that instances of intolerance appear in quarters where they might not antecedently have been expected.

With the general tone of Signor Luzzatti's remarks everyone will sympathise. Not many men are brave enough to defend religious intolerance as such, far less religious persecution. But there is often an uncomfortable suspicion that the case against it is rather due to the emotions than to the intellect, and that, so long as we feel doubtful whether a courageous supporter of persecution has not the best of the argument, it is somewhat cowardly merely to shout him down. It may be that there are other ethical questions (gambling may serve as an instance) where the strength of our feelings outweighs the justification which we can provide for them, and this is to some extent true of all such problems: but the great importance of this religious difficulty, and the certainty with which most men feel that persecution cannot be right, make it all the more desirable that the champions of toleration should be careful to make sure of their ground, to abstain from rhetoric and denunciation, and to distinguish accurately between the various cognate questions which enter into the matter. Signor Luzzatti is aware of this need; he seldom contents himself with mere assertion, he gives due recognition to the earnest conviction and to the intellectual strength of the persecutor, he points out clearly the difference between a toleration which is the result of contemptuous unbelief and a sympathetic consideration which springs from the co-operation of friends in partial disagreement. It is this attitude on the author's part, rather than any novelty in the treatment of the historical material, that makes the volume well worthy of the student's attention.

The French translation will probably be of use to many readers to whom the Italian original is inaccessible; and, in spite of rather numerous misprints and some unfortunate slips (which may or may not be misprints also), the English reader will be grateful for it.

P. V. M. BENECKE.

Inventaire des Sceaux de la Collection des Pièces Originales du Cabinet des Titres à la Bibliothèque Nationale. Par J. ROMAN, Correspondant de l'Institut. Tome I. (Paris: Imprimerie Nationale. 1909.)

THIS stout volume is the first instalment of a catalogue of seals intended to be complementary to M. Demay's well-known inventory of the seals of the Clairambault collection also in the Bibliothèque Nationale. It is designed on the same plan, arranged alphabetically under the names of the signatories: it thus deserts the scheme adopted by Douët d'Arq for the Archives Nationales and followed in the British Museum Catalogue of Seals. M. Roman has wisely abstained from re-describing seals already dealt with by his predecessors, unless he has been fortunate enough to discover more perfect examples. The history of the collection, known as the 'Cabinet des Titres,' is complicated. It includes proofs of nobility submitted to d'Hozier or Chérin, antiquaries' collections such as those of Gaignières, Clairambault, and Caron de Beaumarchais, and other miscellanea acquired in all sorts of ways. The most interesting branch of the collection to an Englishman is not indicated by the editor. It consists of documents connected with the military administration of Normandy in the earlier half of the fifteenth century. We may guess that they are some part of the financial records of Rouen, as they are mostly receipts for wages given by English and Welsh soldiers serving under Henry V

or Henry VI. If the first thousand may be considered a fair sample we may estimate that about $2\frac{1}{2}$ per cent. of the collection is of this nature. No one who is interested in the 'genuinely armigerous person' of the early fifteenth century can afford to neglect this collection. It contains any number of coats unknown to Papworth, and is almost as valuable as our own collection of 'Ancient Deeds' at the Public Record Office. M. Roman may be congratulated on the execution of his task. The descriptions are simple but adequate, and the inscriptions are printed after the French fashion in different styles of type approximating to the character of the original lettering. The objection to this plan is that when the editor misreads his inscription the use of special type gives a false impression of accuracy. Thus we have a seal of a Welshman whose name was obviously Einion ap Hoel, and the legend is rendered (in special type which we do not reproduce) C Y G . . . E N . . . Again when M. Roman, quite unwarrantably, turns Edmund Beaufort into Edmond earl of 'Bedfort' he prints the legend SIGILLUM EDMOND DE BED . . . MORTTAIN . . The reading ELBICI for . . . EWICI in the seal of Richard, earl of Warwick, is a more pardonable confusion. Now that process blocks are so cheap it would be better to substitute a block for the description and be content with elucidating difficult examples. But this would doubtless have been a breach of established precedent.

There is a useful moral to be extracted from the preface. These documents were bound up and made accessible comparatively lately, and the seals have since received much damage, many being altogether destroyed. It is to be hoped that it will soon be regarded as essential to photograph or take casts of all interesting seals, at the earliest possible opportunity before making them accessible to the public. It is easy to destroy evidence but impossible to recover it.

CHARLES JOHNSON.

Short Notices

Students of Greek palaeography will welcome *Specimina Codicum Graecorum*, edited by P. F. de' Cavalieri and J. Lietzmann (Bonn and Oxford, 1910). It is a slender volume, containing fifty excellent photographic facsimiles, which are preceded by brief descriptions in Latin. The specimens, which range from the fourth to the sixteenth century, are well chosen, and all but a small minority bear precise dates. It would however have been of advantage to carry the historical development a stage or two farther back by means of a few examples from the papyri. No break of continuity was caused by the introduction of vellum; and the medieval minuscule was of course the descendant of the cursive of the later papyri no less directly than the uncials of the great codices were of the book hands which preceded them. Thus anyone acquainted with the scripts of the Byzantine period would not find Plate 5 *lectu difficillima*. The book has the additional recommendation of being issued at a very moderate price.

A. S. H.

Two professors of the universities of Amsterdam and Utrecht, Dr. H. Brugmans and Dr. O. Oppermann, have collaborated in the production of a useful set of fifty-six reproductions of Latin or Dutch handwriting taken from manuscripts written in Holland, on twenty-eight folio plates (*Atlas der Nederlandsche Palaeographie*, 's Gravenhage: A. de Jager, 1910). The range of date is from about A.D. 1100 to 1692; the examples are evenly distributed over the period, and a full proportion is assigned to court-hand and to non-ecclesiastical documents. The editors contribute a preface, short descriptions of the manuscripts, and a complete transcript of the facsimiles. The Atlas may be regarded as a supplement to a forthcoming *Handboek der Nederlandsche Palaeographie* by the same editors and publisher. The earliest example of handwriting executed in Holland, and the only one which is derived from a library outside Holland itself, is plate 1a, one of the Cotton MSS. in the British Museum which suffered severely in the fire of 1731, containing a cartulary of, and written in, the monastery of Egmond about A.D. 1100. The first in Dutch is of A.D. 1302. The Atlas appears to be well edited, the photogravures are clear, and the work is of real service to students of Netherlandish writing, though its full value will not be elucidated until the Handbook itself is published.

F. M.

The new *Bollettino Bibliografico delle Pubblicazioni Italiane e Straniere edite su Roma*, i-ii (Rome: Loescher, 1910) will be welcome for its numerous

references to periodical literature which afford an easy guide to the 'burning questions' of the year 1909 and the first part of 1910. Although Italian newspaper articles are quoted there are no references to the *Times* or the *Athenæum*, which often contain articles of first-rate importance on the subject. Some English books are however included. C. J.

Signor E. Calvi continues his *Bibliografia Generale di Roma* (see ante, vol. xxv. 193) with the first volume of a *Bibliografia di Roma nel Cinquecento* (Rome: Loescher, 1910), which will be most useful to all who are concerned with the period. Like his previous volume it is somewhat elaborately arranged, so that the same work frequently appears in more than one connexion. In the biographical articles it has sometimes been difficult to draw the line: thus the bibliographies of Erasmus and Luther may be considered excessive or inadequate with equal justification. There are also some slips, such as the attribution of Poulet's *Correspondance du Cardinal de Granvelle* to the French series of *Documents Inédits*. It is pleasing to find Signor Calvi acknowledging his indebtedness to the British Museum Catalogue, but it is probable that Mr. Fortescue's *Subject Index* would have provided him with the names of some works which he has omitted. Some older books are missing which we might have expected to find. Thus under 'Sacco di Roma' there is no mention of Jacopo Buonaparte's *Ragguaglio Storico*. C. J.

The first part of vol. xix. of the *Byzantinische Zeitschrift* contains an obituary notice of its founder and first editor, the late Professor Karl Krumbacher, by A. Heisenberg and P. Mark. In the same number Professor P. Orsi gives an account of Byzantine cemeteries in Sicily recently explored, with illustrations of jewellery and pottery found in them; Professor Bury examines the chronological cycle of the Bulgarians; and M. Treu prints from the Ambrosian MS. Gr. 598, a Greek anecdote giving Tamerlane's address to his army. A.

The *Historische Vierteljahrschrift* for October 1910 (xiii. 4) prints an article *Zur Vorgeschichte der Magna Carta*, by Dr. Ludwig Riess, which revives the problem of the 'Unknown Charter of Liberties,' and presents a new theory on the subject. Like Mr. G. W. Prothero, Dr. Riess regards the 'Charter' as the rough draft of a compromise suggested by King John; but he ascribes it to an earlier date in the constitutional struggle. King John, he supposes, first began to think of making terms with the barons when they protested against the scutage of 26 May 1214. Being then in Poitou he sent to the regent of England (Peter des Roches) for a copy of the charter of Henry I. The regent, in complying with the demand, annexed to the charter the terms of John's promise, made in the previous year, to the effect that he would condemn no man without a trial. The king noted down in the first person (*debeo, concedo*) five concessions based on the charter of Henry I, which he was prepared to make. Being subsequently informed that these were insufficient, he added six more, which were not based on the charter of Henry I, thus making up the twelve clauses of the 'Unknown Charter.' The document, so Dr. Riess continues, fell into the hands of the French before the close of the Poitou campaign; Philip Augustus sent the original to the English barons,

retaining for his own use the copy that we now possess. It was the 'Unknown Charter,' not merely the charter of Henry I which the barons adopted as their programme at the conference of Bury St. Edmunds in November 1214; it was the 'Unknown Charter' that they presented to the king at the New Temple in January 1215. The king's memorandum finally was used in drafting both the Articles of the Barons and the Great Charter itself. This is undoubtedly ingenious. On one point, the structure of the charter with its peculiar mixture of the third and first persons, Dr. Riess makes out a plausible case; though his theory, in this respect, merely amplifies a hint given by Mr. Prothero.¹ But his reconstruction of the document's secret history cannot be regarded as convincing; it is purely conjectural and raises serious difficulties. If the barons got possession of such a memorandum in the autumn of 1214, before the composition of their Articles, how is it that the Articles demand, in regard to wardships and the forest-law, less than the king himself was prepared to grant? It is quite true, as other writers have remarked before, that the language of the 'Unknown Charter' reminds us, now of the Articles of the Barons and now of the Great Charter. It is however a sufficient explanation of this fact if we suppose that the Articles, as we have them, and the proposals of the king, as explained in the 'Unknown Charter,' are the outcome of the conferences between the two parties which began about Easter 1215. In such conferences there would naturally be a disposition, on each side, to formulate in stereotyped phrases those demands and concessions which were frequently debated. Another difficulty which Dr. Riess has not met is suggested by sect. 4 of the Great Charter. This clause, relating to royal rights of wardship, differs from the Articles in providing a remedy against the event of their abuse; this remedy is suggested by the corresponding clause in the 'Unknown Charter,' but is less drastic. It appears from this clause that, when the Great Charter was drawn up, the draftsmen made use of the 'Unknown Charter' as well as of the Articles, and used it in devising a further restriction on the crown.² On the other hand they neglected some salutary rules on other subjects, which are also to be found in the 'Unknown Charter.' It may well be asked whether they would have behaved in this way if the latter document had been known to them, either as a binding pledge of concessions, or as a statement of the points which the king meant to concede if pressed.

H. W. C. D.

The object of the publication of the *Registrum Iohannis Pecham*, of which the first two parts have appeared (Canterbury and York Society, Parts xiv. and xxii. London: 1908, 1910), is to supplement the *Registrum Iohannis Peckham* edited by Mr. C. T. Martin for the Rolls Series. While Mr. Martin gave all documents of general importance, he omitted many of a formal character, which nevertheless possess a local antiquarian interest. Apart from this, it is not undesirable that Pecham's Register, which is the oldest of the Canterbury series still extant, should be made accessible in full. The two parts now printed extend to 1287; a third part will presumably complete the work. The documents, many of which are simply records of institutions and lists of ordinations, naturally do not lend

¹ *Ante*, ix. p. 117.

² See *ante*, xx. p. 720.

themselves to any detailed notice. The interest of the collection for local history and topography is illustrated by the *Perambulatio leucate de Tanebrigge* made in 1258 which appears on pp. 5-7. A similar interest attaches to numerous administrative documents relating to the see of Canterbury and its temporalities. Other documents are concerned with Pecham's collegiate foundation at Wingham. Of a different interest is the account of the executors of Walter de Merton (pp. 182-4) with its references to Merton College, Oxford. 'Andelyme' in the diocese of Lichfield, which is described as not identified on p. 117, is shown on p. 193 to be Audlem, Cheshire; points like this will no doubt receive attention in the concluding part of the Register.

C. L. K.

In the last few years Canon J. M. Wilson has printed the accounts of the priory of Worcester for 1521-2 (1907) and nine of the earlier compotus rolls ranging from 1278 to 1352, but representing only three of the officers of the monastery (1908, see *ante*, vol. xxiii. 827, xxiv. 559). Now Mr. S. G. Hamilton has edited a selection of rolls for the intervening period, including however one of 1326, to illustrate the activity of all the obedientiaries, with an account of the humble sheepreeve at the end (*Compotus Rolls of the Priory of Worcester of the XIVth and XVth Centuries*. Worcester-shire Historical Society, 1910). The edition is most careful and scholarly, and Mr. Hamilton in his introduction has described the sources from which the revenues were obtained and the system on which they were accounted for with admirable clearness. Among the few places in which the text stands in need of emendation we need notice only the obelised passage on p. 23, 'Solutum diversis de Astone quia [vel opere] carentes pro terminis eisdem factis pro villanis de Tedyntone 40s.,' which the editor takes to refer to 'certain poor people of Aston.' But it is clear that we ought to read *Astone super Carent'*: the villeins of Teddington procured help from the neighbouring hamlet of Aston-on-Carrant. It may be added that *forinsecus*, which is here always treated as an adverb, was in medieval usage inflected as an adjective; on the rolls the word is no doubt abbreviated. The indexes, especially that of places (which gives identifications), and the glossary are excellent; but we regret that Mr. Hamilton should not have followed the example of Dr. Wilson and inserted dates in the headlines of his text.

B.

If we are only occasionally able to take account of the valuable contributions to liturgical study produced by the Alcuin Club, it is due to no lack of appreciation of their merits. But the limitations of our space, and indeed the definition of our subject, preclude us from treating fully works of a technical kind which are not directly historical in their bearing. We must therefore confine ourselves to recording the appearance of No. viii. and xii. of the Club's *Collections*, two volumes of *Pontifical Services*, vols. iii. and iv., illustrated from woodcuts of the sixteenth century with descriptive notes by Mr. F. C. Eeles and Mr. Athelstan Riley respectively (London: Longmans, 1907, 1908), and No. x., *Fifty Pictures of Gothic Altars*, a series of reproductions chiefly from manuscripts, selected and described by the Rev. Percy Dearmer (1910). The dates of the manuscripts from which plates viii., xxxiii., and xli. in this last volume are taken should have been mentioned.

C.

In his pamphlet on *Die Einheitlichkeit der Englischen Auslandspolitik von 1500 bis zur gegenwart* (Stuttgart: Cotta, 1910) Professor Erich Marcks, the biographer of Bismarck and historian of the Elizabethan age, tries to construct a uniform principle of England's part in what since Ranke has been called the system of the great powers. This principle he conceives to be the rivalry with one, and as a rule the strongest, of these powers at a time, serving not indeed as an ultimate purpose, but as the principal means of a policy which has always aimed at the dominion of the world. Spain, Holland, France, and finally Germany were thus successively singled out from the rest of continental states and artfully made the object not so much of direct attacks from the side of England itself as chiefly of paralysing hostilities from that of their own neighbours. This theory, though put forward with much ingenuity and the author's usual almost intuitive capacity of interpreting large masses of facts, may be questioned from two points of view. First, is not his generalisation rather too general to leave anything clearly distinctive to the foreign policy of modern England as compared with that of any other nation which has grown to a certain height of political influence and power of economic expansion? Even the mere accidental circumstance of a single rival or, to put it more correctly, of two nations competing for a 'universal monarchy,' has in different regions been over and over repeated through all the modern history of Europe. For centuries, e.g., Germany was in the contest of France and Austria what the continent was in the enterprises of England, a neutral battleground where the remotest forces could be kept in play for the great foreign interests, never indeed without being backed by the very material help and efforts of the chief actors themselves. On the whole the case of England seems to represent rather a type of a common process than one peculiar to this country. And in one passage (p. 36) Professor Marcks himself does not seem to claim more than a very marked *Folgerichtigkeit* as the characteristic of England's attitude under this historical law. Apart from his results, another objection must be raised against the method by which they are reached. When an historical induction does not start from precise notions about the nature of the causes it deals with, there is no certainty that any grouping of facts will ever amount to more than the mere fixing of exterior uniformities furnishing no kind of explanation and therefore no clue to any practical considerations connected with them. If brought to this test, the author's application of Rankean 'ideas' to English history appears to be of little scientific value. For if these ideas are understood to have had a real existence in the force of institutions or the minds of men, then it will prove impossible in tracing the importance of causes to ascribe to them more than a secondary and indirect influence in the midst of those deeper interior developments which Professor Marcks himself sketches with so much skill (p. 8). In spite of all this, the English student must not pass unnoticed the unusual degree of fairness with which English imperialism as a whole, even to its much debated *imponderabilia*, is here appreciated by a foreign scholar.

C. B.

The Ford Lectures for 1909 on *The Disappearance of the Small Landowner*, by the Rev. Arthur H. Johnson (Oxford: Clarendon Press, 1909),

furnished a much needed example of the right application of the scientific method to the study of English agricultural history, which has been too apt to ignore the parallel development of other industries in England and the agrarian history of the continent. Mr. Johnson has made effective use of both these means of interpretation in the broad survey, to which most of his lectures are devoted, of many recent investigations into the enclosures of various periods, and he has given additional reality to his summary by incorporating in it a piece of original work undertaken by himself. The controversial character of the data for the history of enclosures has set modern criticism—itself not untouched by the controversial spirit—a very difficult task. These lectures have the merit of achieving a more impartial attitude than has been usual or perhaps possible in previous surveys. The effects of class dominance as operative through legislation and administration and through the custom of primogeniture are fully admitted, but the more fundamental causes of enclosures are sought in economic conditions—the stimulus of an industrial environment,—or in more positive social conditions—the rise of the yeomanry and of the gentleman improver. The statistics compiled by Professor Gay for the earlier period and by Dr. Slater for the later period of enclosures are embodied in very useful maps, with the help of which, and in the light of recent research into seventeenth-century enclosures, a fairly continuous account of the stages of agricultural progress is presented, though there are still many gaps to be filled. As it is in the story of the Midland counties that the interest of the subject is mainly concentrated, it may be suggested that evidence of their development as wool-growing and grazing districts would not be difficult to multiply. One finds, for instance, that to a list of counties mainly outside the Midlands within which the operations of wool-buyers were regulated in 1464 (4 Edw. IV, c. 4) there were added in 1530 (22 Hen. VIII, c. 1) Bucks, Northampton, Leicester, Hunts, Warwick, Rutland, and Notts, as well as Lincoln, Derby, and Yorkshire. And a state paper of 1615 (State Papers, Domestic, Jas. I, lxxx. 13) gives an interesting account of the wool trade in these counties. Mr. Johnson's special contribution to the subject embodied in Lecture vii is a study of the land tax assessments available after about the middle of the eighteenth century with a view to discovering the actual facts as to the decline of small ownership which it has generally been assumed was an inevitable consequence of the enclosures and proceeded *pari passu* with them. His evidence tends to show that, while this was so until 1785, the period that followed from 1785 to 1802 saw an increase of the yeoman class in all counties not specially affected by the industrial revolution. The statistics offered, though confessedly imperfect, are of great value as the first contribution in England to a line of research long followed by students of the French agrarian history of the pre-revolutionary period. The stimulating effect of Mr. Johnson's investigation has been already shown by an article in *Lincolnshire Notes and Queries*, in which the late Mr. Massingberd adduced additional evidence for Lincolnshire. The decline in the number of small owners in that county seems to have been mainly before 1650. The increase after 1780 is striking. The freeholders in the Isle of Axholme, who were 829 in 1783, increased to 1444 in 1829.

G. U.

The completion of Dr. G. McCall Theal's new edition of the *History and Ethnography of Africa South of the Zambesi, from the Settlement of the Portuguese at Sofala in September 1505 to the Conquest of the Cape Colony by the British in September 1795* (3 vols., London: Swan Sonnenschein, 1910) demands a note of welcome. In this, the third volume of his history, Dr. Theal has added so largely to the information previously given concerning the Bushmen, the Hottentots, and the Basuto immigrants that he has added the words 'and Ethnography' to the previous title. The account of the doings of the different European immigrants appears to be substantially the same as in previous editions. H. E. E.

Mr. Carlos B. Lumsden has written a book entitled *The Dawn of Modern England, being a History of the Reformation in England, 1509-1525*. (London: Longmans, 1910.) It is rather curious to meet with a work which professes to be a history of the Reformation in England between the years 1509 and 1525. The volume too is put forth as complete in itself, though we find mention here and there of a design on the part of the author to follow it up with others treating of later periods. But Mr. Lumsden goes back to the beginning of things, before Anne Boleyn appeared upon the scene or any one talked of throwing off allegiance to the pope, in order to set forth his own theory of causation. And what he finds is that the highly organised life of the middle ages was already giving way to individualism and the love of money before the Reformation came; that Lutheran theology, especially justification by faith, strongly favoured the new force, and that the destruction of the monastic system gave it an overpowering influence. For these statements, moreover, he appeals to the testimony of several protestant writers; and he finds a stream of tendency in social and industrial matters coming down even from the fifteenth century to the modern struggle between capital and labour. Such is the view laid down in Mr. Lumsden's introduction, and if it be not the whole truth, sober historians will probably agree that it is a hitherto neglected view, and that there is something in it. Mr. Lumsden fully admits that facts must be carefully sifted, and his volume itself is a very creditable attempt to do so as far as it goes. Though the author writes avowedly from a catholic point of view, he seems impartial enough in his statement of facts. The very theory he lays down forbids any attempt to glorify unduly the age before the Reformation, and he admits that the social and industrial changes due to individual and self-seeking tendencies were apparently necessary. None the less does he find them distinctly lowering from a moral point of view; and he thinks that, notwithstanding reactions against progressive decline through the Tudor and Stuart period, 'at no time were moral matters in as good a state as they were before the breach with Rome.' This pronouncement may startle some people; but Mr. Lumsden apparently means to justify it in future volumes. What is curious is that it follows immediately on an admission that the sale of indulgences, though not incapable of vindication in some ways, was 'too often regarded by the Curia as a fertile source of money-raising.' So the papacy itself was infected with the degenerate spirit of the times. Mr. Lumsden is right certainly in not laying 'the whole of this moral disaster at the door

of protestantism; probably religion had little to do with it. What caused the Reformation caused the immorality, or rather want of morality.' The thirteen chapters after the introduction, of which this book consists, contain really a very admirable and succinct account of the first sixteen years of Henry VIII's reign. There is nothing to challenge except matters of opinion, and not very much in that way. But of course the great struggle with the papacy is not within the scope of the book; and the whole subject of the personal relations of Henry and the pope, including even the bestowal of the title 'Defender of the Faith,' is reserved by the author for future discussion. J. G.

Mr. A. P. Maudslay, in the second volume of his translation of *The True History of the Conquest of New Spain*, by Bernal Díaz del Castillo (London: Hakluyt Society, 1910), maintains the high standard reached in vol. i. noticed already (vol. xxv. 404). In vol. ii. a translation is given of chapters 82 to 136, leaving 78 still to be Englished. Vol. iii. (1910) contains twelve reproductions of a pre-Columbian plan of Mexico and of maps of that city drawn up in 1524, 1560, 1608, and 1769. The translation in vol. ii. is well done, and the illustrations, which consist for the most part of photographs taken by the translator of places mentioned in the text, are of exceptional interest. What can be pleasanter, for instance, than when reading in Bernal Díaz (p. 248) that a church was afterwards erected on the site of the great *cue* or temple at Tacuba, to find on the opposite page of the translation a photograph of this church? A wonderful photograph is also given (p. 28) of Popocatepetl and Ixtacihuatl from the ranchos of Yscalpan which lay on Cortés' route to the city of Mexico. The most important of the five plans of this city reproduced in vol. iii. is certainly the pre-Columbian Maguey plan of a portion of the old city. By the kind permission of Señor Don Genaro García a photograph of this plan was made in 1907, and in 1908 Miss Adela Breton spent four months with the aid of this photograph (here reproduced) in drawing up the coloured facsimile published in vol. iii. The remaining plans reproduced in vol. iii. are that published at Nuremberg in 1527 with the Latin translation of the second and third letters of Cortés, one published in 1769 in Chappe d'Auteroche's *Voyage en Californie*, &c., a plan made about 1560 by Alonso de Santa Cruz, and one made about 1608 by Enrico Martinez and preserved in the Archivo de Indias at Seville. Finally, there is an excellent map of the valley of Mexico from recent surveys, but with the lakes restored to their level at the time of the conquest. Such important and accurate reproductions reflect the greatest credit on Miss Breton and Mr. Maudslay, to whom every student of the period must always be under great obligations for this English edition. The notes in explanation both of the maps and of the translation in vol. ii. are valuable; but it is somewhat disconcerting, after reading in Bernal Díaz that the escape from Mexico took place 'on the tenth of July' (p. 254) and that 'the celebrated battle of Otumba' was fought 'on the fourteenth of July,' to discover in Appendix C (p. 325) that the correct dates are 1 July and 7 July. A few slips in this volume should be corrected. The punctuation of the paragraph on p. 86

would seem to be incorrect, and there is an unnecessary pronoun in the last line on p. 191. The proper names on pp. 212 and 218 are mis-spelt, while on p. 266, 'extensively explained' cannot be termed a happy rendering.

H. P. B.

Dr. Rudolf Jung, keeper of the archives at Frankfurt, whose work on them has already proved useful to students, contributes to the *Frankfurter historische Forschungen*, Heft 3, some interesting notes on *Die Englische Flüchtlingsgemeinde in Frankfurt am Main, 1554-1559* (1910). The archives are silent on the relations between the city and the English exiles; but they contain notices of admissions to the *Bürgerschaft*, a *Standesliste* of November 1555, *Steuerlisten* of October 1556 and January 1557, and a *Wohnungsliste* of June 1557, all of which are printed for the first time by Dr. Jung. Only seventeen Englishmen were admitted as citizens; and only five *generosi*, nine *mercatores*, and thirty-one *studentes* appear in the *Standesliste*. But the *Steuerlisten*, which show the English exiles to have been, unlike the French and Flemish, a well-to-do community, give sixty-one names, and the *Wohnungsliste* two hundred and twenty-five. The absence of craftsmen saved the English exiles from the jealousy felt by the workpeople of Frankfurt for the humbler French and Flemings; but complaint was made to the council that English wealth enhanced prices at the Frankfurt market, and that their theological quarrels disturbed the peace of the city. Dr. Jung appends biographical notices derived mainly from the *Dictionary of National Biography*, which has occasionally led him into error: for instance the dates 1557 and 1559 assigned to Bale's *Illustrium maioris Britanniae Scriptorum Summarium* refer to two parts, and not to two editions, of the work; and the two John Haleses are rolled into one. On the other hand, Bale's presence at Frankfurt is not mentioned at all in the *Dictionary of National Biography*, and Dr. Jung's extracts from the archives and from Calvin's correspondence in the *Corpus Reformatorum* add similar information in respect to other exiles. It is perhaps worth noting that the Frankfurt edition of the Forty-two Articles repeats the statement that they had been agreed upon by the bishops and learned men of England in a synod held in London in 1552[-3].

A. F. P.

Barely three months after the Turkish siege of Malta a diplomatist in Rome wrote from oral evidence, and dedicated to Cardinal Ippolito d'Este, an Italian account of that important event. M. Hubert Pernot now republishes a French version of the Italian original, together with a metrical Greek adaptation of the latter by a Cretan poet, who wrote, as he himself informs us, in 1571 (*Le Siège de Malte par les Turcs en 1565*, par P. Gentil de Vendosme et Antoine Achélis. Paris: Champion, 1910). The interest of the Greek poem, composed in the usual 'political' metre, of which *The Chronicle of the Morea* is the best example, is therefore mainly philological; while that of the Italian original, already published by Sansovino in his *Historia universale dell' Origine et Imperio de' Turchi*, and consequently easily accessible, is wholly historical. Under these circumstances, the necessity of republishing the French translation is not apparent, though the Cretan poem is sufficiently curious to merit the attention of scholars, and in at least one passage (ll. 1425-7) contains independent

information from eye-witnesses, cited to prove that it was not a Greek but a Frank who acted on one occasion as a Turkish spy. Moreover, the poet, who was, as he tells us, a native of Rethymno, which the Turks had ravaged only four years before he wrote his verses, frequently invokes the name of his patron, Francesco Barozzi, the most extraordinary member of that celebrated Venetian family, which has left its mark upon the history alike of Santorin and of Crete. From other sources we knew something of the strange and adventurous career of this mathematician and magician, but a passage of the present poem (ll. 2382-2405) gives us some additional information about him, his uncle and namesake Francesco, two other nephews, Lorenzo and Giorgio, and a kinsman of the author, Andréas Achélis. Bearing in mind the attainments of Francesco, whose library is now in the possession of the University of Oxford, the poet's praise of his accomplishments, which 'led the Muses to quit Helikon for Rethymno,' is not so exaggerated as such outbursts usually are. Thus, if the poem tells us nothing much new about the most famous of the Turkish sieges of Malta, it furnishes a contribution to the literary history of Venetian Crete, an island which was peculiarly prolific in literary men from the author of *Erotókritos* downward. It is curious that this poem on the siege of Malta should have been only once mentioned in subsequent books till it was unearthed by Legrand.

W. M.

The *Bardon Papers*, which Dr. Conyers Read has edited for the Camden Series of the Royal Historical Society (1910), are a collection of documents relating to the imprisonment and trial of Mary, Queen of Scots, formerly preserved at Bardon House, Somerset, and now in the British Museum, Egerton MS. 2124. For the most part they are contemporary copies of papers, the originals of which are extant and have already been printed. It is not known how they came to Bardon House, but internal evidence suggests that the papers once belonged to Sir Christopher Hatton, and Hatton's brief notes for speeches in parliament are the chief unpublished contents of this volume. Serjeant Puckering's notes on the case against Mary (pp. 53-64) are of some interest, and Mr. Read might perhaps have indicated the corroboration of his charges provided by the *Spanish Calendar*. The editor's most valuable contribution is his Appendix iii on the forged postscript to Mary's letter to Babington. The introduction and notes contain some careless statements: the commission on Mary's case in 1568 met at York in October and not in 'the summer'; instead of 'sending commissioners' Moray came himself 'to present his case'; and Mary was not 'represented by William Maitland of Lethington' (p. xx). The first document, with its reference to 'the late duke of Norfolk,' should be assigned to June and not to May 1572.

A. F. P.

The late Mr. H. C. Hart's edition of *The Third Part of King Henry the Sixth* in *The Arden Shakespeare* (London: Methuen, 1910) has been seen through the press, with deferential care, by Mr. C. K. Pooler, who has carefully noted quotations and references with the advice and assistance of Professor R. H. Case, the general editor of the series. It is not within the province of this Review to discuss the literary history of one of Shakespeare's historical dramas, but we feel it only just to indicate that this edition of the play contains in the introduction an interesting investigation

founded on a comparison of the text in the folio of 1623 with its predecessor *The True Tragedy of Richard Duke of York, &c.*, published in 1595, and with the subsequent quartos, and also a further examination of passages showing the extent to which Shakespeare was indebted to Marlowe, Peele, and others, both in this and in the previous two parts of *Henry VI*.

J. G.

We have previously noticed (vol. xvi. p. 141, xviii. p. 196, and xxii. pp. 791-2) M. Edouard Rott's great undertaking, *Histoire de la Représentation diplomatique de la France auprès des Cantons Suisses, de leurs Alliés, et de leurs Confédérés*. The first part of the fourth volume (containing only 700 pages as against the 1160 pages of vol. iii.) now lies before us (Bümpliz: Benteli; Paris: Alcan, 1909). It includes the first portion of the period that extends from the peace of Monzon in 1626 to the outbreak of the great war between France and Spain in 1635, and forms at the same time the second part of the Valteline episode, from 1626 to 1633. It is a period of confused diplomatic negotiations and small military actions, excursions, and alarms, which are hard to follow and lead to little. Intrigues and plottings fill the foreground, while behind is the more or less unknown quantity of Gustavus Adolphus (1630-2), who disturbs and alarms both sides, so that his death causes general relief. Thus the present volume is not so interesting as its predecessors, for it deals with a period of preparation, during which the two protagonists are getting ready for a death or life struggle. M. Rott's industry and patient unravelling of the tangled skein are amazing, and no one can ever have been so well acquainted with the secret plans of both sides, looked at of course from the Swiss and especially the Raetian point of view. The work does the highest honour both to M. Rott and to the Swiss Archives Office, under whose auspices it is published.

W. A. B. C.

In *Legal Development in Colonial Massachusetts 1630-1686* (Columbia University Studies in History, Economics, and Public Law, xxxvii. 2), Dr. C. J. Hilkey, by means of a careful description of the law-making factors and the law in force in the colony, arrives at the conclusion that

in place of bringing with them to America the general principles of the common-law, claiming it as their heritage and applying it when the circumstances permitted, the colonists united three elements in their legal system: (1) they brought with them in a general way English institutions, judicial procedure, legal form, and, to a certain extent, personal and property rights. (2) They drew from the Mosaic code and other portions of the Bible certain notions of theocratic government, moral and religious duties, and criminal liability. (3) To these they added a colonial element made up of laws and customs that were in part somewhat archaic and in part far in advance of the times.

To judge by the present monograph, the larger work which Dr. Hilkey hopes to produce on his present subject, carrying it down to the American Revolution, should be of interest and value.

H. E. E.

The arrangement of the second and third volumes of the *Acts of the Privy Council of England, Colonial Series* (1680-1745), edited by

Professor W. L. Grant and Mr. James Munro, under the general supervision of Sir A. Fitzroy (H.M. Stationery Office, 1910), differs somewhat from that of the first, owing to the necessity for compression. With the aim of saving repetition (of which in documents such as the proceedings of the Council there is often a very great deal) the strictly chronological plan has been abandoned and Orders dealing with the same subject have been grouped. Where Orders have been adequately summarised in the *Calendars of State Papers (America and West Indies)* references only are given. A certain amount of unnecessary verbiage in the entries has been omitted, and commissions, appointments, and confirmations or disallowances of Colonial Acts have been relegated to lists in appendices. (The power of disallowance was then freely used.) It does not appear that anything of importance has been lost by this compression, and indeed it makes the history rather easier to follow. Like the first volume, these volumes bear every evidence of having been compiled with knowledge and care, and are preceded by excellent introductions which point out *inter alia* that the proceedings, to a greater degree even than those contained in the first volume, are valuable as throwing light on the working of the Privy Council rather than in bringing out new points in Colonial history. It is also pointed out that it is a mistake to suppose that after 1696 a number of other Committees were appointed in addition to the Lords of the Committee for hearing appeals from the Plantations, this being really the only standing Committee, and what appear to be special Committees being really this Committee sitting to hear a special case. It was a committee of the whole council, though in practice only a small number of members as a rule attended, the persons varying with the different cases. Indeed 'Council' and 'Committee' are often used synonymously. Even under Walpole the Council showed a considerable amount of activity in Colonial affairs.

H. L.

Dr. C. E. Carter's monograph on *Great Britain and the Illinois Country, 1763-1774* (Washington: The American Historical Association, 1910), throws light on a period of history of which little is known. 'The whole thirteen years of British administration,' Mr. Carter writes, 'have generally been crowded into two or three paragraphs'; and, although there are still gaps in the history, Mr. Carter's investigations have established certain conclusions. Whatever may be said for the solution of the question arrived at by the Quebec Act, there can be no doubt that the previous system or rather want of system in the west had been a miserable failure. The relations between the military commandant and the people, both French and English, were generally unhappy. The fur trade shrank, and necessary economies at home prevented the proper organisation of Indian relations. Schemes for the colonisation of the west abounded; but, in spite of the sympathy of statesmen like Shelburne, they came to nothing through the steady resistance of the Board of Trade. The picture, in any case, is dark enough, but Mr. Carter carefully refrains from any note of exaggeration. A note, in which he deals with Bancroft's methods, is suggestive. It appears that when at last a popular commandant was obtained, the cry for civil government in Illinois died away. A modified form of civil government was, however, proposed by Gage, which met

with severe criticism from the two leaders of the cry for French self-government. Bancroft writes :

It was on 4 November that the fathers of the Commonwealth of Illinois, through their agent Daniel Bloüin, forwarded their indignant protest against the proposed form, which they rejected as oppressive and absurd.

Other writers have gone further, and declared that, at a public meeting, and under the leadership of Bloüin, a protest was drawn up against the proposed plan. Mr. Carter writes :

This is a myth, pure and simple. Bancroft's original statement is based upon a letter written to Dartmouth by Bloüin dated at New York, 4 November 1773. From this letter Bancroft extracted the detached phrases regarding the oppression, &c., of the plan quoted in the statement. A careful reading of the whole letter indicates however that the statements expressed are those of Bloüin and Clazon and not of the people of Illinois. . . . There is absolutely no record to indicate that any public meeting was held in 1773 to consider a government. Proof of the apathy of the people has just been cited. Nor is there any evidence that Bloüin was in Illinois between 1771 and 1774.

Mr. Carter adduces evidence that he was in New York during this time.
H. E. E.

It is now nine years since M. F. A. Aulard published his great work the *Histoire politique de la Révolution Française*, and now we have before us a translation by Mr. Bernard Miall with the title of *The French Revolution, a Political History* (London: T. Fisher Unwin, 1910). The task is not inconsiderable, and Mr. Miall's work runs into four volumes. He has provided his English audience with a sketch of France before the Revolution, and he there adopts without hesitation the conclusions drawn by M. Edmé Champion from a study of the *cahiers*. To use the language of Mr. Miall, this is an 'abusive generalisation' (in French *generalisation abusive*); for as the *cahiers* from their very nature were intended to paint the picture in the darkest colours, they cannot be taken as reflecting the exact state of affairs. It is a pity too that Mr. Miall has not read his proofs more carefully: he knows well enough that Mirabeau died in April 1791, and yet he says he died on March 2 (i. 64); the Revolutionary Calendar we are told came into use in October 1792 when it should be 1793 (ii. 29); the *journées* of Thermidor fell not in June (iii. 18) but in July; Louis XVIII did not die in 1829; his successor's title was not Duc d'Artois (iv. 27), and on the following page for *Fructidor* we ought to read *Thermidor*. But these slips, though numerous and serious, are not our chief quarrel with Mr. Miall. We read that the Court 'antagonised the proletariat'; Danton is described as 'Bashanvoiced' (i. 56); a commission 'functions' (iii. 287) and eventualities 'materialise' (iv. 110). Not only is the English deplorable, but we have the gravest doubts as to Mr. Miall's competence as a translator. The famous words of the newly formed National Assembly *entend et décrète* are rendered 'hear and enact' (i. 136); Louis XVI is said (i. 261) to be 'buried in matter' (*enfoncé dans la matière*); *fin* is boldly translated 'fine' (*ibid.*); the previous question appears as the 'preliminary question' (ii. 146); the French word '*temple*' is translated 'temple,' *libraire* is a

'librarian' (iv. 66, 67), and so forth. It would be easy to multiply such instances. In short, Mr. Miall does not seem to possess the most elementary equipment for translating French into good English. He even translates *on* by 'one,' and when he renders Gorsas' words *il vaut mieux un roi soliveau qu'une grue républicaine* by 'it is better to have a stick of a king than a republican crane' he betrays woeful ignorance of at least the traditional English of Aesop. Finally, such a reference as we find in vol. ii. p. 320, '*Recueil*, ch. vii.,' meaning the seventh volume of M. Aulard's *Recueil*, is indicative of the value that this translation will be to the researching student. The index, on the other hand, is an improvement on M. Aulard's.

L. G. W. L.

In *Preussen im Kampfe gegen die Französische Revolution bis zur zweiten Theilung Polens* (Stuttgart: Cotta, 1908) Herr E. Heidrich has carefully gone over the ground traversed by Sybel, Häusser, and others. The facts are presented so closely as to leave a somewhat confused impression. The narrative would have gained in value from a study of the British Foreign Office records, which are very full for this period. With this important exception all available sources have been used, including Mr. Clapham's essay on the *Causes of the War of 1792*; but the presentment is less lucid than in that work. The question of the indemnities which Prussia and Austria expected after the war with France is thoroughly treated in the middle sections. A note on p. 221 suggests why Sybel failed to find in the Berlin archives certain despatches bearing on this topic. Here, as elsewhere, Herr Heidrich's notes are so long as somewhat to cumber the narrative.

J. H. R.E.

Of the pleasantly written studies brought together in M. B. de Lacombe's *La Vie privée de Talleyrand* (Paris: Plon, 1910) two of special interest relate to Talleyrand's marriage and his reconciliation to the church. As full an account as is probably now possible of the career of his mistress, Mrs. Grand, whom in obedience to the order of the First Consul he married about twenty-two years after Philip Francis's scandalous adventure with her, is followed by a more edifying recital of the negotiations with Rome for the papal sanction of the marriage of the ex-bishop, which, in spite of the temptation to oblige Bonaparte and his powerful minister, was steadfastly refused by Pius VII. Talleyrand's declaration of repentance and submission, which rewarded the pious efforts of his niece, the duchesse de Dino, was delayed until almost literally his last hour. Yet M. de Lacombe shows beyond a doubt that he had been making up his mind to that step for some time. The abbé Dupanloup, who was largely concerned in his conversion and administered to him the last consolations of religion, records in his narrative, printed here as an appendix, how three months before his death 'l'état de sa conscience me parut plus mûr que je ne l'avais pensé d'abord pour un retour sincère à la religion,' and a little pamphlet by the late baron de Nervo, *La Conversion et la Mort de M. de Talleyrand* (Paris: Champion, 1910), in which he relates what his grandfather, the baron de Barante, one of the five friends present at Talleyrand's death, told him concerning his last days, confirms M. de Lacombe's narrative. M. de Barante held that Talleyrand never lost 'un

sentiment de foi 'implanted in him in his youthful days at Saint-Sulpice, and that it reasserted itself with intensity at the close of his life; and it was not, he said to his grandson, for those of a later generation, who knew them not, to judge men like Talleyrand, 'grands seigneurs, prélats de l'ancien régime.' M. de Nervo points out that Madame de Boigne's assertion that the pope was dissatisfied with Talleyrand's declaration of repentance is untrue.

W. H.

Hoe Nederland Ceilon verloor, by George Nypels, late Hoofdofficier in the East Indian Army (The Hague: Nijhoff, 1908), contains a careful study of the events which led up to and followed the occupation of the Dutch settlements in Ceylon by the British in the year 1796. The narrative ends with the cession of the island by the treaty of Amiens in 1802. The author has made use of the material published by Dr. H. T. Colenbrander in 1906, and has added the results of his own researches in the archives at The Hague.

R. W. L.

Though General Griois was not among the soldiers of the Revolutionary and Napoleonic period who attained any degree of fame it would have been a great pity if his comparative obscurity had stopped the publication of his *Mémoires* (Paris: Plon, 1909). M. Arthur Chuquet has acted as editor, and his introductions are as excellent as his notes are copious and useful. Written in an easy and readable style, with a positively Pepsysian frankness, the *Mémoires* give one a very good idea of the career of an average officer of the day. A good observer, with considerable powers of narration and of description, alike of men and places, Griois is not indeed to be reckoned equal to Marbot, but he is a good deal more trustworthy, and his account of the retreat from Moscow brings home to one what that terrible journey really involved. Until 1812 he had not taken part in any of the principal campaigns, having seen his service chiefly in the eastern Pyrenees between 1793 and 1795, and in Italy, where he was present at Reynier's defeat at Maida by the British troops from Sicily under Sir John Stuart. He endeavours to explain away that defeat, of which he gives some useful details, by attributing it to Reynier's frigidity and lack of power to inspire his troops, a hardly adequate explanation. An interesting detail is his description of the tactics of the Spanish infantry in 1793: he describes them (i. 93) as having attacked in columns, preceded by a numerous swarm of skirmishers; in other words, they were using the typical Revolutionary tactics almost before France had developed them. On the Russian campaign, which occupies the greater part of vol. ii., he gives some useful points. One has to remember (p. 14) that the French army had had a three months' march before crossing the Russian frontier. It is clear that the discipline of the Grande Armée was always indifferent, which helps to account for its speedy collapse once the retreat began, and for the rapid demoralisation of the reinforcements and troops on the line of communication. It is perhaps significant that after Leipzig a similar collapse took place, and even more rapidly than in 1812. At the beginning of the retreat the troops were in good condition, but the horses were not: constant outpost duty, bad quarters, and lack of forage had combined to reduce their efficiency very low. Finally it may be noted that it was by the batteries under Griois that Moreau was killed at Dresden.

C. T. A.

In his earlier works dealing with Pichegru and the royalist plots of 1798-1804 Dr. G. Caudrillier opened up many new facts; and his essay on *L'Association royaliste de l'Institut philanthropique à Bordeaux, et la Conspiration Anglaise en France pendant la 2^e Coalition* (Paris: Société Française d'Imprimerie et de Librairie, 1908), completes his studies in the organisation of the widespread but abortive royalist movement of 1798-1800 in the south and east of France. It gives an account of the work done at Bordeaux which served to keep alive the hopes of that party after the collapse of the summer and autumn at Quiberon, Paris, and l'Île d'Yeu. Bordeaux was well situated for maintaining a connexion between the Vendéans and the malcontents of the south. As a result of the efforts of the Royalist Association, Fauche Borel, Willot, and other opponents of the Directory framed an extensive plan for helping the allies during the campaign of 1799, especially in Franche Comté and the south. Dr. Caudrillier adduces evidence from the British archives and other sources which prove that the Pitt cabinet spent large sums in subsidising the leaders. Windham thought poorly of Willot, who was finally adjudged guilty of peculation; but other men of action, notably Pichegru and Précý, were available; and the Austrian court preferred to act through them rather than through the French princes and the old band of *émigrés*. Pitt and Grenville however wished the comte d'Artois to appear at the head of the allies, when, after liberating Switzerland, they entered Franche Comté. This was also the desire of Pichegru and other men of action. The defeat at Zürich and the breakdown of the arrangements for the union of Suvóroff with the army of Korsakoff in that district ended these plans. But victory in Switzerland would have enabled the allies to profit by the royalist conspiracy, the ramifications of which Dr. Caudrillier has carefully traced. The activity of Wickham, the British agent in Switzerland, was portentous; but whether the comte d'Artois possessed the qualities needed for so great an enterprise must remain doubtful after his despicable conduct at l'Île d'Yeu in 1795. It is strange that Pitt and Grenville placed trust in him in 1799. The author shows great care in the treatment of these complex details; but on p. 27 Jackson and Paget should not be described as agents; they were fully accredited envoys, the Hon. Arthur Paget holding a high position, then at Munich and afterwards at the Neapolitan court.

J. H. RÆ.

Except towards the end of it, when O'Connell's agitation made things lively enough, the period covered by Mr. D. A. Chart's book on *Ireland from the Union to Catholic Emancipation* (London: Dent, 1910) is dull and uninteresting. The feeling of apathy which the union created, and which even Emmet's rising hardly relieved, is so palpable as to be even now oppressive. Considering the conditions then, it is greatly to Mr. Chart's credit that he has succeeded in writing a book which is not only full of curious and useful information but at the same time eminently readable. Our only regret is that it is after all a mere sketch, and we cannot but hope that Mr. Chart, whose position in the Irish Record Office gives him easy access to much valuable matter for the elucidation of the period, will be induced to write more

largely on the subjects treated of by him in his present volume. Much of course there is in it, especially in such chapters as that on 'Internal Communication,' which is as applicable to England as to Ireland. But Mr. Chart seems inclined to give a little too much credit for any progress shown during the period to the Act of Union. Certainly in the matter of education the Irish parliament showed a much clearer perception of the needs of the nation by the proposed legislation of 1787, than the imperial parliament did until quite recently; and mentioning this scheme, Mr. Chart may appear a little unfair to Orde when he says (p. 181 n). 'It may almost be said that no ante-union chief secretary, with the exception perhaps of Castlereagh, whom the union struggle itself brought into notice, made his tenure of the office particularly noteworthy.' Orde's name is also inseparably connected with the Commercial Propositions. Again, does Mr. Chart really believe, as he writes, that an educated public only showed itself after the union? Surely Maria Edgeworth, than whom we know no better painter of Irish character, Maxwell the predecessor of Lever, and Lady Morgan found readers, and are equally if not better entitled to mention than Moore, Carleton, Lover, and Lever, whose activity belongs to a later time? Surely too no post-union literary society can at all compete with the circle of Granby Row until we reach the forties. But these are trifles. The book is a very good one, and it contains much information which is often overlooked by the political historian. We may add that the volume possesses an admirable index which greatly enhances its value.

R. D.

In his address to the British Academy on *Column and Line in the Peninsular War* (London: Frowde, s.a.) Professor Oman treats of 'the central tactical problem of the Peninsular War' with admirable lucidity. He shows how in 1793-4 the French Republic adopted the column formation for their armies, in order that their undisciplined levies might compensate by their numerical superiority for their tactical inferiority. The essential part of the system was that the columns should be screened by a dense mass of *tirailleurs*, who would keep the enemy occupied so that the columns could get up within striking distance practically intact. Whole battalions were deployed as skirmishers. For this cloud of *tirailleurs* Napoleon substituted a heavy artillery fire by concentrated batteries directed against the point which he intended to attack. Only the *voltigeur* company of each battalion was employed in the skirmish line under his system. The battle formation adopted by the Allies was the three-deep line, inherited from Frederick the Great. But in the beginning of the nineteenth century the two-deep line became the normal formation in the British army. The victory of Maida in Calabria in 1806 proved the superiority of the line over the column. It was Wellington's peculiar merit that he recognised that for the permanent success of the 'linear' formation three requisites must be secured: (1) the line must not be exposed before the moment of actual conflict; (2) that till that moment, it must be screened by a line of skirmishers impenetrable to the enemy's *tirailleurs*; (3) that it must be properly covered on its flanks either by the nature of the ground or by cavalry and artillery.' In only one of his battles, Fuentes de Oñoro,

did the French get in on Wellington's flank, but the neglect of this precaution caused the annihilation of an English brigade at Albuera. The moral superiority of the English formation is well illustrated by a lengthy quotation from Bugeaud.

W. B. W.

In an essay of less than 200 pages on the *Kultur und Reich der Marotse*, forming no. viii. of Professor Lamprecht's *Beiträge zur Kultur und Universalgeschichte* (Leipzig: Voigtländer, 1908), Dr. Martin Richter has put together all that can now be learned about the history and civilisation of the leading native people of the Upper Zambesi. The 'history,' it is true, does not really go back much before 1840, though native tradition links the arrival of the Alui ancestors of the Marotse with the great Bantu-speaking migrations of the sixteenth and seventeenth centuries. Since 1840 however the political development includes two well-marked dynastic régimes (under Sepopa, 1864-76, and Lewanika, 1885-1902), separated by a period of gentile oligarchy, of which it would have been instructive to know more than seems possible now. Dr. Richter does not appear to have travelled in Africa himself, but he has carefully collected the sparse literature of the subject and estimates fairly the value of the several authorities. It is interesting to the lay reader to find Livingstone's veracity *wissenschaftlich geprüft*: we take so much for granted on this side of the Channel. Less than justice is done to the intimate knowledge of Selous and other English travellers of later years; but of such men it is eminently untrue that 'by their works ye shall know them': a public, and publishers, who only want hair-breadth escapes and butcheries of large animals naturally do not get much else; the scientific knowledge dies with its discoverers. The earnest inquirer who insists on testing Dr. Richter's statements must learn to decipher repulsive footnotes like this on p. 79; '1 LI 243; 2 LI 263-264; HII 136, 202; PI 343; D 215; H M I I 79-81; Bt 98, 110, 173; G J I 208': when he has done so he will usually find that the text is itself exhaustive.

J. L. M.

In his dissertation on *Die Überleitung Preussens in das konstitutionelle System durch den zweiten Vereinigten Landtag* (Munich: Oldenbourg, 1909) Dr. Hans Mähl has done much more than recount a very notable episode in the history of the Prussian revolution, which belongs mainly to the month of April 1848. That the constitutional reforms under Frederick William IV were not sanctioned by him for their own sake is hardly a matter of controversy; that they were undertaken as means towards the greater purpose of the union of Germany, under the leadership of Prussia, can hardly be proved (even if the conclusion be just) by a survey of concessions made under the immediate influence of the March insurrection. On the other hand, Dr. Mähl has shown with great force, and with a completeness which may be called unprecedented, the extraordinary consensus of opinion in the country which responded to the endeavours of the 'Rhenish ministry' of Camphausen and Hansemann—men to whose courage and steadfastness, and superiority to all lesser considerations, even that of personal disagreement on important questions, it is satisfactory to see justice done in these latter days. Indeed, the whole spirit in which Dr. Mähl regards the

forward movement of which Frederick William IV had so holy a horror, and upon which even an Old Liberal like Vincke would have been glad to lay a curb, is deserving of cordial sympathy. The second United *Landtag*—as to the convocation of which after the *Märztag* the reverse of enthusiasm had at first prevailed in Liberal circles, especially in Berlin, Silesia, and the Rhinelands, and which had then been, at least professedly, summoned with a view solely to determining the mode of electing the National Assembly which was to succeed and supersede it—addressed itself not only to this task, but also to two others of the greatest importance to the future of the realm. It laid down—provisionally no doubt, but in no superficial fashion, and after serious debate—constitutional principles on which it would be difficult to go back, including the freedom of the press, the independence of judges, and the right of free assembly. And it approved the financial policy of the Liberal ministry by providing a sufficient credit (fifteen million dollars) for the foreign and home expenses of the country, and fixing a much larger sum (twenty-five million dollars) as a state guarantee (to be met so far as possible by private effort) for the support of its imperilled commercial and industrial prosperity. These proceedings, whatever test might be applied to them by further political and economical developments, were deeds not words, and entitle the Prussian *Landtag* commemorated in this treatise to the acknowledgment deserved by a single-minded patriotism in which even the elements of opposition contained in it after their fashion shared.

A. W. W.

The late Mr. C. A. Fyffe characterised Cavour's Crimean policy as 'one of those excessively rare instances of statesmanship where action has been determined . . . by a distinct and true perception of the future.' This important incident in the making of Italy is described in Herr Adolf Rein's monograph, *Die Teilnahme Sardiniens am Krimkrieg und die öffentliche Meinung in Italien* (Leipzig: Voigtländer, 1910). To those who know Italy the second part of the title may seem to be a gratuitous assumption, for it may be doubted whether even to-day there is any real 'public opinion' in that country. But so far as newspaper articles are concerned, the author has succeeded in giving a very interesting account of the Piedmontese press in 1855. He shows how all the Piedmontese journals, except, of course, the official organs, were opposed to the intervention of the country in the war and how the Genoese, as usual, were hostile to the monarchical government with which they had been incorporated; whereas in the rest of Italy and in England Cavour was warmly supported, although Turkey did not want Piedmontese aid. The brochure contains a few mistakes. Lord Clarendon was never 'English premier' (p. 112), Cobden's saying about Thucydides and the *Times* is misquoted (p. 40), and in the bibliography the new edition of Orsi's *L'Italia Moderna* might have been substituted for that mentioned.

W. M.

Dr. Karl Zuchardt's essay on *Die Finanzpolitik Bismarcks und die Parteien im norddeutschen Bunde*, which forms No. xvi of the *Leipziger historische Abhandlungen* (Leipzig: Quelle u. Meyer 1910), is an examination of Bismarck's financial policy in connexion with the North German

confederation. The author touches on the origin of the confederation, recapitulates its financial legislation, and investigates Bismarck's relations with the various political parties—parties whose views on financial problems were widely diverse—during the four years of the league's existence. The financial legislation of the confederation culminates in the attempted financial reform of 1869: the author's main contention is contained in his fourth chapter, in which he argues that we have here a coherent scheme, emanating from Bismarck, and not a mere series of isolated proposals on the part of the Prussian minister of finance, Von der Heydt.

F. A. S.

In *The People's Law or Popular Participation in Law Making* (New York: The Macmillan Company, 1909), Dr. C. S. Lobengier writes on a subject which, if exhaustively handled, would demand a considerable acquaintance with the history of four continents. He has been well advised in restricting himself. To Australia and South America he turns his attention in a couple of brief chapters at the end of his book. Europe figures more largely in his scheme, but he writes of European states only as influencing, or as influenced by, the political theories of his own nation. His main purpose is to show how far the referendum has been mooted or adopted in the several states of the union. He handles the American side of his subject with abundance of knowledge and that precision in statement which we expect from a trained lawyer, distinguishing the various uses to which the referendum has been applied and indicating the channels through which this pet idea of radical democracy has been disseminated in the United States. In discussing the question of origins he is not seen at his best. His knowledge of European history is second-hand, and has been derived from a strange medley of books, good, bad, and indifferent. He embraces with avidity a not unfamiliar theory, and is oblivious of the difficulties which arise when it is applied to American history. His theory is that the referendum must be regarded as the offspring of protestantism wedded to the political genius of the English people. The formula may be applied with some plausibility to the case of New England. But Dr. Lobengier himself denies that the popularity of the referendum with his countrymen is due entirely to the influence of New England. The referendum has an independent history in Pennsylvania and in the southern states. Dr. Lobengier points out that William Penn had read *Oceana* and had consulted with Algernon Sydney. Although Dr. Lobengier calls Sydney a puritan, it would be rash to assert that either he or Harrington typified puritan ideals and the political genius of the Anglo-Saxon. Republicanism is the fruit of no special creed or race. It is the polity to which a certain type of mind naturally turns at a particular stage of intellectual development. Dr. Lobengier points out the peculiar influence of Scotto-Irish emigrants in leading his countrymen towards the cult of the referendum. He would be hard put to it to show that these men cherished Teutonic traditions of government, or were in politics the disciples of Calvin or of Brown. Finally, it has come to his notice that, of the greater European nations, France and Italy are those which have led the way in dabbling with his favourite political expedient. How does he explain such conduct

on the part of states which are most emphatically neither Teutonic nor protestant? Fortunately Dr. Lobengier does not ride his theory to death. In his American chapters he condescends to facts; and his facts are quite interesting enough to justify his volume. H. W. C. D.

In his monograph on *The Making of the Balkan States* (New York : Columbia University Press, 1910), Dr. William Smith Murray has given a succinct, if somewhat formal, account of the rise of what he calls 'the four constitutional monarchies' in the Balkans—a phrase which is true only in theory of Montenegro and evokes a smile when applied to Serbia. The author has carefully studied diplomatic documents and carries his story down to the spring of last year; but he is at times rather obscure, and, although scrupulously fair, he has not fully entered into the spirit of the Near East. The best part of the book is that describing the declaration of Bulgarian independence in 1908, but it had been sent to press before Montenegro was raised last August to the status of a kingdom. Several minor errors deserve correction. Stephen Dushan was not the 'last king' of Serbia (p. 20); the Tsar Nicholas did not die in 1854 (p. 53); the wrong date is given for the annexation of Bosnia and the Herzegovina (p. 181); there are no such forms as 'King of Belgium' and 'Prince Mingrelia' (pp. 68, 170); the railways have not been brought up to date on the map; and such lapses from orthography as Assen (pp. 93-4), Lemburg (pp. 162, 164), and 'Lane-Pool' (*passim*) should have been avoided. The bibliography is useful; but many important works, such as Mr. Brailsford's book on Macedonia, the fruit of personal experiences, are omitted. W. M.

In his Rede Lecture on *The Parallel between the English and American Civil Wars* (Cambridge : University Press, 1910) Professor Firth draws attention to certain points of resemblance and difference between these two wars. In both the formal cause of strife was the question of sovereignty. In England it was a question between the king and his people; in America between a majority and a minority. There the whole future of democratic government was at stake. Yet it may be observed that from the Southern standpoint Lincoln was a minority president, and the constitutional argument advanced by the Federals might be retorted against them by their opponents. In both wars there were deeper causes of discord than those avowed. In England the religious question, at first incidental, grew in importance till at last it absorbed the political. In America the slavery question was from the first the cause of war. The difference between the two struggles is that Lincoln solved his problem by combining the cause of human liberty with the cause of the Union, while Cromwell to secure religious freedom was forced to sacrifice political liberty. In England two civil wars were required to do, and that imperfectly, what in America was accomplished once for all by one. The reason for this lies in the fact that in the intervening two centuries the Americans had learnt the virtues of compromise, but in the seventeenth century the Royalists could not possibly acquiesce in the Protectorate. On the military side the resemblances are very marked. The victors in both wars had the advantage in material resources and in possessing the

machinery of government and the national navy. But the Federals gained much more than the Parliamentarians from these advantages. Naval power was the determining factor in the War of Secession. 'In the main the military problem was identical: how to turn a vast mass of untrained men into soldiers with just a handful of trained officers to do it.' The Northerners were much slower than the Parliamentarians to learn the conditions of military efficiency and success, because the former were saturated with the democratic spirit. The author draws an instructive comparison between Cromwell and Lincoln, showing that while Lincoln's ideal was 'government of the people, for the people, by the people,' Cromwell by no means shared his belief in the infallibility of the people, whereas Cromwell was far more assured than Lincoln that God was on his side. Of the two Lincoln, though a son of the people and self-taught, was the more educated and 'superior to Cromwell in the possession of a calmer and more balanced judgment.'

W. B. W.

Twenty-three years have passed since the invaluable *Complete Peerage* edited by 'G. E. C.' (as the modesty of the present Clarendieux King of Arms requires us to style him) began to appear. The new edition, of which the first volume lies before us, is edited by the Hon. Vicary Gibbs (London: The St. Catherine Press, 1910). It is a much handsomer book than the old one and is printed in a fine quarto and in larger type. That it has been elaborately revised we can certify from a comparison of a number of articles. Mr. Gibbs has had the assistance of many of the most learned experts, and he has used their materials to the best advantage. The book is also very considerably enlarged. The 504 pages (or, if we omit the appendixes, 454 pages) of which the present volume consists, represent 256 octavo pages of the first volume of the former edition; and though the difference of type accounts for some of this increase, the amount of fresh matter is as noticeable as the care with which the correction in detail has been carried out. It may be regretted that the sobriety of the old book is not altogether preserved in the new (thus 'his Lordship's marriage' in the first edition, p. 208 note *d*, becomes 'this scoundrel's marriage' in the second, p. 363 note *a*); and the particulars of various recent *mésalliances* among members of the nobility are given with a relish which impairs the dignity of the book. Nor does it seem judicious to adopt a strong partisan attitude with reference to the persons whose careers are here described. The *Complete Peerage* is so important a book that it should be above party as well as above scandal. Mr. Gibbs has excellent reason for omitting baronies by tenure, as his predecessor did except at the beginning of the work; but the student must bear in mind that for these he must still consult Courthope's edition of Nicolas's *Historic Peerage*.

D.

A book to explain the origin, early characteristics, and subsequent modifications of our parish registers has long been needed, but Dr. J. Charles Cox's *Parish Registers of England* (Methuen, 1910) is far from supplying the need. He has collected a profusion of less usual entries from registers, and disposed these neatly under appropriate headings. But a large

number of these entries are too foolish to be of interest, and no guarantee is given that all are genuine. To this collection of church oddities and antiquities Dr. Cox has prefixed an inadequate account of parish registers from the historical point of view. As regards the origin of the registers, he is still under R. E. Chester Waters' anti-English delusion that Thomas Cromwell imported registration from Spanish sources. But the account-books of All Saints' Church, Oxford, show a systematic record of churchings, weddings, and burials as far back as 1487. In 1524, e.g., record is made of fourteen churchings, two weddings, and sixteen burials. An illuminated manuscript of devotional pieces in Saffron Walden Museum shows blank spaces intentionally left for registrations of family events, the first extant entry being the baptismal record, with names of sponsors, in 1537, of a god-child of John Gresham, afterwards Lord Mayor of London. There is no necessity for assuming a foreign origin for our registers. Dr. Cox does not explain why so many registers begin in 1538 or 1539, but the majority only in 1558 or 1559. The reason was the hesitating form of instructions given in the ordinance of 1597, which left it open to parishes to choose the later date, even if their records went back to 1538. Sufficient stress is not laid on the fact that the form of the register entries was left to the discretion of the minister for the time being. Copies should have been given of the later forms ordered by successive Acts of Parliament, and attention drawn to the meagreness of modern entries of burials occasioned by the insufficiency of the form enjoined, which asks for no identification marks of relationship or condition. Some examples should have been supplied of the notes made in the registers of payments of the dues imposed in 1783. Dr. Cox gives a facsimile of the Register of Tipton, Staffordshire, which pretends to begin in 1513, but the writing is not earlier than 1600, and 1513 may be an error for 1573. Needless acrimony is displayed against the clerical custodians of the registers for loss or damage of these records. Loss and damage must be admitted, but far less than in the case of municipal, county, collegiate, or academical registers.

A. C.

The Cambridge University Press has begun a useful series in the *Cambridge County Geographies*, under the general editorship of Dr. F. H. H. Guillemard. Two very interesting counties, Westmorland and Cambridgeshire, have appeared, each with two maps, one giving the elevation and the other the geology. As these counties are small, the maps, which occupy an opening at each end, are quite adequate in scale. The general scheme of the volumes is the same. The scientific topics predominate, but not unduly; yet it would have been better if local peculiarities, such as rock and rainfall, had not been used as pegs on which to hang general information. This is especially the case in regard to Westmorland. A good deal of interesting social and historical information is given as to that county. But the military tenure of copyholds and the attempt under James I to deprive the holders, on the ground that they no longer fulfilled the necessary condition, should not have been omitted, nor the great confiscations after 1715. And why should the canons of Shap be told that theirs was 'a house of an order of Augustinian monks'? But the author, Dr. Marr, has produced an interesting and comprehensive and well-illus-

trated book. That on Cambridgeshire, by Professor McKenny Hughes and Miss Hughes, is rather fuller and perhaps better proportioned. It contains, for one thing, brief notes in alphabetical order on eighty-two parishes, all good and pointed. It is a little unfair to the remaining fifty, every one of which has its interest, that they should be omitted. Dr. Marr has confined himself to the rare agglomerations of people in Westmorland, neglecting the fact that its scattered homesteads offer an important problem, and not attempting an answer to the question when, if ever, the original villages were broken up. The history of the Fens is given too briefly to be quite intelligible. The system of drainage of the three great Levels needs more explanation, and more might have been said about its history and the surviving traces of the Dutch immigrants. But here again we have an admirable, though brief, description of the county as it is, and how it has come to be what it is. With a happy sense for reality the authors have given the history of the growth of railways in each county.

E. W. W.

University College, Reading, proposes to issue a series of Studies in Local History, of which the first, *The Town of Reading during the Early Part of the Nineteenth Century*, by Mr. W. M. Childs, the principal, has now appeared (Reading, 1910). It is an interesting and amusing compilation from newspapers, blue-books, pamphlets, printed reminiscences, and so forth. The work was well worth doing, and if at times there is manifest a certain censoriousness towards the past and a little complacency in regard to modern achievements, that will only add to its value in the eyes of a Reading historian a century hence.

E. W. W.

Mr. Harry Sirr's *Ashburnham House and the Precincts of Westminster Abbey* (reprinted from the *Journal of the Royal Institute of British Architects* for 8 Jan. 1910) is an interesting monograph on the celebrated seventeenth-century mansion in Little Dean's Yard, Westminster, which once sheltered the King's and Cottonian Libraries, and whence Dr. Freind, when head-master of Westminster School, is said to have told Queen Caroline's friend, Lady Sundon, that he saw Bentley issue during the fire of 1731 in his night-gown and his great wig, with the Alexandrian codex under his arm. It is true that it is difficult to believe the story, since the preservation of that precious manuscript is put by the Parliamentary Committee, which reported upon the fire at the time, to the credit of Bentley's subordinate Casley, and there seems to be no reason why this should have been done, had Bentley himself been its saviour. Did Freind, peering through the darkness from the window of his house next door, mistake the deputy for his chief? Mr. Sirr, by the way, says on p. 209 that 'it is sometimes asserted (upon what authority we have not discovered) that the old dormitory' (i.e. the ancient granary, which was so used from 1560 to 1732) 'was repaired and housed the King's and Cottonian Libraries after the fire at Ashburnham house.' We suspect that this assertion has its source in the statement of the Parliamentary Committee that 'some of the books were carried' from the burning house 'into the apartment of the Captain of Westminster School,' a phrase which has given

trouble to Westminster antiquaries, but which must refer to some part of the old dormitory. There however the books only remained from the Sunday morning over the following Monday, when, 'leave being obtained, they were removed into the new Building designed for the Dormitory of the Westminster Scholars,' and which is still used for the same purpose. The architectural beauty of Ashburnham House must have been much injured by the building of an attic story in the earlier part of the nineteenth century, and many features of interest in its immediate surroundings have, as Mr. Sirr's paper shows, not survived the changes which took place upon the transference of the house to Westminster School in 1881. But its splendid staircase and stately drawing-room (though shorn, when the attic story was built, of its dome), and the fine ante-room to the latter, still remain, and are well worthy of the careful study which Mr. Sirr has bestowed upon them. On p. 194 for 'the Infirmary of the monks' one should read 'the Dormitory of the monks'; but the 'College garden' (that is, not as the context might at first suggest, the garden of the scholars, but that of the whole collegiate foundation, and as a matter of fact usually reserved for its senior members) was, as Mr. Sirr says, the garden of the infirmary. A number of excellent drawings, views, and plans enhance the value of Mr. Sirr's monograph.

C. C. J. W.

The nine hundred pages of Dr. A. W. H. Eaton's *History of King's County, Nova Scotia, 1604-1910* (Salem, Massachusetts: Salem Press Co, 1910) are divided between genealogies and the social and ecclesiastical history of 'the *Evangeline* country' on the shores of the Basin of Minas. The main settlements in the country were made in the townships of Cornwallis and Horton on the expulsion of the French (1760-1), and in those of Aylesford and Parrsborough by the loyalists of the Revolutionary War (1776-85). Political history is scarcely touched by a parochial work like this, but the thoroughness with which the author has done his work is evidenced by about a hundred biographies and twice as many family histories, amongst which it is interesting to find those of the Canadian statesmen, Sir Charles Tupper and Sir Frederick Borden.

J. M.

ERRATUM IN THE OCTOBER NUMBER.

In vol. xxv. p. 642, line 23, for Pharrantsem read Sármanduocht.

IN THE PRESENT NUMBER.

P. 128, line 4 from foot, for he says read it was charged.

47/11
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THE ENGLISH HISTORICAL REVIEW

NO. CII.—APRIL 1911 *

*Pope Gregory VII's Demand for Fealty from William the Conqueror*¹

THE demand made by Gregory VII, that William the Conqueror should do fealty to him and to his successors, has an importance not merely for English history, but also, and in a higher degree, for the history of the pope himself. The abstract statement of his claim that all secular rulers are subject to him, by virtue of his spiritual position as head of the Roman Church, is to be found in his letters from 1080 onwards, that is to say, after the second and final excommunication of Henry IV; but all concrete claims to supremacy over particular secular rulers are based upon the temporal possessions of the papal see, and the pope puts them forward by virtue of his rights as a secular overlord. In the case of England, the claim may perhaps have been based, as is commonly stated, on the subordination of the temporal power to the spiritual. If this is so, it stands by itself, and has an importance of its own. It is necessary, therefore, in the first place to discover the actual date at which this striking demand was put forward, and then to investigate the nature of the claim and the grounds on which it was based.

There is no existing document containing a statement of Gregory's demand, and our only information about it is derived from the letters written in reply by William and Lanfranc.² These two letters are undated, but from internal evidence it is clear that they are connected in point of time. With such slender data upon which to work it is hardly surprising that there is considerable

¹ Gregory VII's letters are quoted from the edition of Jaffé, *Monumenta Gregoriana* (*Bibliotheca Rerum Germanicarum*, vol. ii). I shall refer to the letters in the Registrum as *Reg.*, and the additional letters collected by Jaffé as *Epist. Coll.*

² Lanfranc, epp. 10 and 11 (*Opera*, ed. J. A. Giles, i. 32-3).

disagreement as to when the demand was made. Freeman³ states that it cannot be exactly determined, but that 1076 is the earliest possible date, as William speaks of his three years' absence in Normandy, and it was only in 1073 that William's frequent absences from England began. Stubbs⁴ places it 'some time about 1076'; Sir James Ramsay⁵ says '? 1076'; Makower⁶ gives the date as 1077-9, which he infers, though he states no reason for his inference, from three of Gregory's letters.⁷ On the other hand, Professor Heinrich Böhmer⁸ shows good reason for placing it in 1080; and, as Hubert was sent from Rome to the English court with the three letters dated 8 May 1080,⁹ the first of which enjoins William to be obedient to the pope, Böhmer thinks that the message was probably sent just after this to Hubert for him to deliver.

Böhmer makes out a good case, but his arguments are not absolutely conclusive by themselves. While believing that he is right in fixing upon 1080, I believe also that the date can be still more narrowly determined; it is the presence of Hubert as legate that provides the chief clue, and it will be necessary to discover such details as we can of his movements. In the first place, however, we can glean some obvious facts from the letters of William and Lanfranc. William's reply, as Freeman shows, cannot be dated earlier than 1076. It is clear also that Gregory's demand was brought in person by Hubert. As William replies from England ('me in regnum meum reverso'), it is evident that Lanfranc was there as well. Hubert must have been there also; we might infer that he would remain with William until he received the king's reply, but there is no need even for such an obvious inference, because William, after promising to pay the arrears of Peter's pence, goes on to say: 'quod collectum est per praefatum legatum mittitur.' We also see that the letter from Gregory, which Lanfranc answers, is not, as Böhmer shows, either of the two letters written in 1079 and 1082, but was probably written between those two dates. At the outset it should be noticed that the year 1080 (in which William returned to England, and in which Hubert brought letters from the pope to William, Matilda, and Robert) is the only one to which we can say with certainty that the evidence we possess about the demand made by Gregory is applicable.

³ *Norman Conquest*, iv. 432 and 433, n. 1.

⁴ *Constitutional History of England*, 6th edition, 1903, vol. i, p. 309, n. 1.

⁵ *The Foundations of England*, ii. 113, n. 5.

⁶ *Constitutional History of the Church of England*, English translation, 1895, p. 14.

⁷ *Reg.* iv. 17, v. 19, and vii. 1.

⁸ *Kirche und Staat in England und in der Normandie im XI. und XII. Jahrhundert*, p. 134, n. 8.

⁹ *Cf. Reg.* vii. 26.

But there is a further point which seems to be indicated in the letters of William and Lanfranc. It has been taken for granted, even by Böhmer, that Gregory's demand was in writing, and that it was sent by him to Hubert for him to deliver. Neither of these assumptions is supported by the evidence, and for the latter the letters of Gregory do not provide a case which is at all analogous. It was Gregory's custom to send legates bearing important letters and messages direct from Rome, armed with credentials from himself; that Hubert had such credentials is shown by the fact that William speaks of him as '*veniens ex tua parte*'. With regard to the former assumption, the language used both by William and by Lanfranc in their replies seems to justify us in believing that the demand was not brought in writing, but by word of mouth. For William says, '*Hubertus legatus tuus (religiose pater) ad me veniens ex tua parte me admonuit*'; he does not say that Hubert brought a letter in which the pope admonished him, but that Hubert, as the pope's representative, pronounced the admonition. And Lanfranc, after mentioning the letter written to him by Gregory, proceeds: '*Verba legationis vestrae cum praefato legato vestro, prout melius potui, domino meo regi suggessi, suasi, sed non persuasi*.' Thus, so far as Lanfranc is concerned, there was a verbal message as well as a written letter, and it would seem from William's language that it was the same in his case, especially as Lanfranc speaks of himself as joining Hubert in urging the demand on William. The fact that Hubert brought verbal messages makes it still harder to believe that he did not come direct from Rome on this important embassy.

It is advisable, however, to take into consideration the possibility that the pope's demand was sent by him to Hubert for him to deliver. In either case, the movements of Hubert are of primary importance. He had been sent to William as the legate of Pope Alexander II in 1070 and 1071,¹⁰ but, beyond this, the only information that we possess about him is confined to the papacy of Gregory VII, and is derived from the pope's letters. He is first mentioned at Canossa, as a witness to Henry IV's oath on 28 January 1077.¹¹ Shortly after this he was sent as one of three papal legates to William on the question of the bishopric of Dol.¹² This was the first occasion on which Gregory sent Hubert to William. In this letter the pope writes:

Quia vero praefatum filium nostrum Hubertum ad vos usque dirigere destinavimus, plura vobis scribere non necessarium duximus. Quoniam in omnibus, quae ex nostra parte vobis refert, ipsum quasi certissimam epistolam nostram et verba nostra fideliter continentem fore, nec nos dubitamus nec vestram excellentiam dubitare volumus.

¹⁰ Lanfranc, ep. 3, in Giles, *op. cit.* i. 19; *Vitae Abbatum Beccensium*, *ibid.* i. 303.

¹¹ *Reg.* iv. 12 a.

¹² *Reg.* iv. 17, dated 21 March 1077.

This would seem to be a letter of introduction of Hubert as his legate, and that it is so is further proved by the language he uses when he sends Hubert again to William in 1078¹³: 'Hubertum sanctae Romanae ecclesiae subdiaconem, quem *experimento* nobis et tibi fidelem didicimus, liberali gloriae tuae, fili karissime, mittimus.' Hubert had indeed been sent to William as the legate of Pope Alexander II, but the letter of Gregory in 1077 seems to be a letter introducing Hubert on the first occasion on which he himself employs him as a legate.¹⁴ Even if this fact be not taken into account, there is no evidence at all that Hubert was sent by Gregory before 1077, and as has been stated above, he cannot have brought the message demanding fealty before 1076. Moreover, it seems impossible that Gregory can have made the demand at all in 1076, because on 27 September of that year he wrote to William¹⁵ about the bishopric of Dol, and received an answer, to which he replied on 21 March 1077: 'Causam, unde nos in litteris vestris rogastis. . . .'¹⁶ If he had received William's answer to his demand for fealty, he could not have refrained from making some allusion to it in either of these letters, nor would his language to William have been so friendly. This makes it certain that Hubert cannot have brought the demand to William before 1077. We know, moreover, the object of the embassy—to investigate the charges against the bishop of Dol. We do not know the length of Hubert's stay in Normandy, but he cannot during this year have received an order from Gregory to deliver the demand to William and have returned with William's answer. Apart from the fact that the likelihood of this is negated by the entire absence of evidence to support it, it is also refuted by the words quoted above, which Gregory uses when he sends Hubert to William for the second time; the same letter shows us that Hubert had returned to Rome after his mission had been completed.

Hubert was sent on his second embassy with the letter dated 4 April 1078. From this embassy he did not immediately return. The pope wrote to him on 22 May¹⁷ about the bishopric of Dol; on 25 November¹⁸ the pope writes to Hugo, bishop of Die, mentioning the excommunication by Hubert of Robert,

¹³ *Reg.* v. 19.

¹⁴ It should be noticed that Hubert was one of three legates on this occasion; Gregory does not make any special reference to the other two.

¹⁵ *Epist. Coll.* 16. The date of this letter is proved by *Reg.* iv. 4 and 5, which are clearly written at the same time. It announces the deposition of Bishop Juhel, and the appointment and consecration by himself of Ivo as bishop. William in his reply made a plea for Juhel, as we see from *Reg.* iv. 17. In this letter Gregory informs William that he is appointing three legates to make a full inquiry into the charges against Juhel; what these charges were he had recounted in his previous letter. His action in reopening the question is a striking mark of favour to William.

¹⁶ *Reg.* iv. 17.

¹⁸ *Reg.* vi. 7.

¹⁷ *Reg.* v. 22.

count of Flanders; finally, on 23 September 1079¹⁹ the pope writes to Hubert himself, blaming him for his action with regard to the count of Flanders, and also for his long absence from Rome, to which he orders him to return. This makes it clear that Hubert had not returned since he was sent with the letter dated 4 April 1078. Gregory's summons was effective. We know that Hubert was in Rome by 24 April 1080. On that date Gregory, writing to William, mentions his presence in Rome: 'tales misisti, qui me satis de tua prudentia honestate iustitia simul cum filio nostro Huberto laetificaverunt.... Quae vero in litteris minus scripta sunt, legatis tuis tibi voce dicenda commisimus.'²⁰ This letter was certainly sent by William's own ambassadors, who had come with reference to the bishop of Le Mans and other points of disagreement between the king and the pope²¹; the words about Hubert show that he cannot at this time have brought the answer from William to Gregory's demand for fealty. The pope's letter, of a fortnight later, to William's son Robert,²² also indicates Hubert's presence in Rome. He was absent, therefore, from Rome from April 1078 until the end of 1079 or the beginning of 1080. Here again we know the main purpose of the embassy—to investigate the question of the archbishopric of Rouen; doubtless he was entrusted with some minor business in Normandy, but he clearly exceeded his commission.²³ We do not know all his movements during his eighteen months' stay²⁴ in Normandy, but we know sufficient to be able to state with tolerable certainty that he did not receive at this time instructions from Gregory to proceed to William and to deliver to him a message demanding fealty. On 22 May 1078²⁵ Gregory writes to him instructing him to be present at the council which Hugo, bishop of Die, is to hold, concerning the claims of Juhel and Ivo to the bishopric of Dol. The only other letter from Gregory, of which we know, is that of 23 September 1079²⁶ ordering him to return. Is there any possibility of another letter to Hubert, between these two, ordering him to take Gregory's demand to William?

In the second letter Gregory writes:

Miramur nimium et nobis admodum displicere cognoveris, te tantas moras hactenus habuisse et ad apostolicam sedem tandiu distulisse reverti. Neque vero alicuius rei excusatio te satis reddere potest purgatum, excepto si vel causa infirmitatis, vel quod non patuerit aditus redeundi, dimiseris.²⁷

¹⁹ *Reg.* vii. 1.

²⁰ *Reg.* vii. 23.

²¹ Cf. Böhmer, *op. cit.* pp. 132 seq.

²² *Reg.* vii. 27.

²³ Cf. *Reg.* vii. 1.

²⁴ I am taking into account the time spent on the journeys to and from Rome. After receiving Gregory's letter of 23 September 1079, Hubert can hardly have remained in Normandy beyond the time necessary to execute the commissions entrusted to him in that letter.

²⁵ *Reg.* v. 22.

²⁶ *Reg.* vii. 1.

²⁷ The next sentence is interesting: 'Nam pecunias, sine honore tributas, quanti pretii habeam, tu ipse optime potuisti dudum perpendere;' also another just below:

The pope is here speaking of a long period of absence, and of Hubert's long delay in returning. Such expressions could not have been used by him if within recent months he had entrusted Hubert with a commission to William. Moreover, the letter from Hubert to which he refers is clearly not an account from Hubert of the result of a demand by him that William shall do fealty to the pope.²⁸ This practically makes it impossible that Gregory can have sent the demand in 1079. A further point in the pope's letter to Hubert is to be noticed. During the early part of this embassy, Hubert had taken upon himself, in conjunction with Hugo, bishop of Langres, to excommunicate Count Robert of Flanders. Gregory had heard of this by 25 November 1078, on which date he wrote to Hugo, bishop of Die,²⁹ ordering him to investigate the question. Writing to Hubert³⁰ on 23 September 1079, the pope says: 'De eo autem, quod in Flandria cum Lingonensi episcopo—non ex monitis nostris—intelleximus te fecisse, scias: contra rationem et iniuste fuisse praesumptum; cum nos in partibus illis Diensi episcopo praecipue sollicitudinis nostrae vicem de omnibus commiserimus.' He then orders Hubert to render a full account of this matter to the bishop of Die, who

'Significasti autem nobis Teuzonem, quasi ex parte nostra legatum, adversus Anglicum regem verba fecisse. Quae noveris ex nobis mandata non esse.' It is clear that Hubert had written to the pope mentioning Teuzo's action, and explaining his own delay in Normandy by his desire to obtain money due to the papacy from sources that were *reluctant* to pay it. This must be the meaning of 'pecunias sine honore tributas'. But, if this refers to England at all, it is clear that it could only be prior to Gregory's demand for fealty and the regular payment of Peter's pence, because William promises to pay the latter, stating that he is sending by Hubert what has already been collected and that he will send the rest by the legates of Lanfranc. So if Hubert was trying to obtain the payment of this in England when he wrote to the pope, he must have been writing before Gregory's demand for the payment, with which William so readily complied. With regard to Teuzo, Gregory says that he is acting on his own responsibility, 'Verum multa sunt, unde sancta Romana ecclesia adversus eum [sc. Guillelmum] queri potest. Nemo enim omnium regum, etiam paganorum, contra apostolicam sedem hoc praesumpsit temptare, quod is non erubuit facere; scilicet ut episcopos, archiepiscopos ab apostolorum liminibus ullus tam irreverentis et impudentis animi prohiberet.' Surely the fact that Gregory does not mention to his legate as a cause of complaint that William had refused his demand for fealty is a strong proof that the demand had not yet been sent. Hubert is enjoined to admonish William 'quatinus honorem, quem sibi a subditis suis graviter ferret non exhiberi, sanctae Romanae ecclesiae non tantopere laboret imminuere; et debitas gratias agendo, gratiam beati Petri procuret acquirere'. This is no more than a statement by the pope that bishops are the subjects of the pope, and therefore ought to appear before him to give an account of their ministry; William must grant this favour to St. Peter, if he wishes for any favour in return. It is unnecessary to point out how far removed this is from a claim that William is himself the subject of the pope.

²⁸ See the preceding note.

²⁹ *Reg.* vi. 7.

³⁰ The pope also wrote to Hugo, bishop of Langres, an undated letter (Jaffé-Löwenfeld, *Regesta Pontificum Romanorum*, 5087) which is printed in the *Neues Archiv*, vii. 161. Löwenfeld, following Giry, gives this letter the same date as *Reg.* vi. 7 to Hugo, bishop of Die, but the language in it resembles much more closely *Reg.* vii. 1 to Hubert.

will deal with it. We see that the pope does not discuss the justice or injustice of the excommunication, but condemns Hubert's action as *ultra vires*. This must, therefore, be the first occasion on which he mentions the question to Hubert himself; and it is a reasonable inference to conclude that he had not communicated with Hubert since it was brought to his notice, as he can hardly have written to him without mentioning such a striking action on Hubert's part in thus exceeding his authority. The whole tone of the letter, in fact, suggests that he had not corresponded with Hubert for a considerable time. We have seen that Hubert could not have brought William's answer with him on his return to Rome, so that the only period within this embassy in which it seems at all possible that Gregory could have sent his demand to Hubert for him to deliver is from June to October 1078. Hubert was engaged in Flanders during part of this time, and it is very unlikely that he could have gone to England.³¹ Also, at what time during these months, or in fact during the whole of this embassy of Hubert, was William in England? But, as we have seen, when he wrote his reply to the pope he had returned to England, and Hubert was there as well.

This brings us to the third embassy. Hubert was sent, on 8 May 1080, with letters from the pope to William, Matilda, and Robert,³² as we see from the fact that all these letters bear the same date, while, in the letter to Matilda, the pope says: 'Caetera, quae dimisimus, per Hubertum filium et fidelem communem mandamus.'³³ William is enjoined to be obedient to the pope; Matilda is thanked for her letter and promise of presents, which are courteously declined; Robert is exhorted to be obedient to his parents and to avoid evil counsellors. But there is no statement on this occasion of the reason for Hubert's embassy, nor is Hubert actually mentioned in the letter to William. I shall refer again to this later; here I need only say that the pope had sent a letter to William by the latter's ambassadors a fortnight previously, and, in view of that fact, a second letter at so short an interval seems to need a very special explanation. Our information about Hubert ceases at this point. The only other mention of him is in a letter of Gregory VII to Anselm, then abbot of Bec,³⁴ which probably belongs to the year 1079; at any rate, it cannot be dated earlier.

But, before dealing with the embassy of Hubert in 1080, the supposition that Hubert may have come on a later embassy, of which we have no record, must be taken into account. Now, in

³¹ Compare the statement of Eadmer (*Historia Novorum*, ed. M. Rule, p. 10) about the exclusion of papal legates from England.

³² *Reg.* vii. 25, 26, and 27.

³³ On this embassy Hubert is clearly bringing verbal messages as well as letters.

³⁴ *Epist. Coll.* 33.

his answer to Gregory, Lanfranc writes: 'si, praestante Deo, praesens praesenti loqui quandoque valerem . . .', that is to say, Lanfranc is writing before he went to Rome, which apparently happened at the end of 1082.³⁵ Again, Lanfranc's answer to the pope cannot have been written immediately before he started. William, in promising to pay Peter's pence, says that he will send the arrears 'per legatos Lanfranci archiepiscopi fidelis nostri', not by Lanfranc himself. And, when Lanfranc writes, he is not meditating going at once, nor is he answering Gregory's letter of 1082,³⁶ which apparently decided him to go to Rome. Gregory must have written this letter in the first half of 1082, but not very soon after receiving the letters of William and Lanfranc, or he could hardly have refrained from making some allusion to them. This makes the first half of 1081 the latest possible date for the sending of the demand. But it is very unlikely that Hubert was sent with this demand after 1080; there is no evidence at all of any papal embassy to William between May 1080 and the dispatch of the letter to Lanfranc in the first half of 1082, nor can any mention of Hubert be discovered after 1080; therefore it is almost impossible to assume an embassy on which Hubert was sent. Though it is very difficult to discover William's movements in any detail, it seems probable that he returned to England after Whitsuntide 1080, and that he was in Wales in 1081. If this is so, the second half of 1080 is the latest date at which he could say of himself, 'tribus fere annis in Galliis me agente,' besides being, as Böhmer says, the most appropriate. It also seems possible that the pope, in a letter to bishops Hugo of Die and Amatus of Oleron in 1081,³⁷ is referring to William's refusal to do fealty to him:

Rex Anglorum, licet in quibusdam non ita religiose sicut optamus se habeat, tamen in hoc [his opposition to simony, clerical marriage, the holding of tithes by the laity, &c.] . . . ceteris regibus se satis probabiliorem ac magis honorandum ostendit. Unde non indignum debet existimari: potestatem illius mitius esse tractandam, atque respectu probitatis ipsius subditorum et eorum, quos diligit, negligentias ex parte fore portandas.

³⁵ Jaffé-Löwenfeld, 5256; cf. Böhmer, p. 138, n. 3. Freeman, relying on Ordericus Vitalis (ii. 304), states that Lanfranc went to Rome in 1076. Professor Böhmer (p. 132) has shown that Ordericus is misdating Lanfranc's visit to Pope Alexander II in 1071. Moreover, Freeman ignores the statements of Gregory in his letters to Lanfranc in 1079 (*Reg.* vi. 30) and 1082 (*Reg.* viii. 43) that, since he became pope, Lanfranc had not come to Rome. In fact, he mistranslates 'venire ad nos non multum curavit fraternitas tua' in the first letter, when he says that Gregory blames Lanfranc for 'not often coming' to Rome, whereas *non multum* clearly goes with *curavit*, and the phrase means 'you have not taken much trouble to come', i.e. 'you have not put yourself out to come'; further, he glosses over the statement at the beginning of the second letter: 'saepe fraternitatem tuam apostolica legatione invitavimus Romam venire . . . Quod huc usque . . . distulisti,' while translating the rest of the letter.

³⁶ *Reg.* viii. 43.

³⁷ *Reg.* viii. 28.

Much stress cannot be laid on this, but it certainly appears to be a statement on Gregory's part of reluctant acquiescence in the position taken up by William in his reply to the pope's demand.

I have endeavoured to fix this date by a process of exhaustion, and to trace the movements of Hubert, which are all-important for this investigation. The evidence, I think, proves that the demand cannot at any rate have been sent before 1077 or after 1080, within which years it happens that all that we know of Hubert's movements during Gregory's papacy is included. His relations with William as Gregory's legate seem to be confined, indeed, to the three embassies of 1077, 1078-9, and 1080. If, as I believe, the demand was brought by word of mouth direct from Rome, 1080 is the only possible date; but even if it was only sent by the pope to Hubert for him to deliver, the evidence that we possess is overwhelmingly in support of the same date. It is still possible to believe, with Böhmer, that Hubert did not bring it from Rome in May 1080, but that it was sent to him soon afterwards. This cannot absolutely be determined, but the internal evidence of the pope's two letters to William in this year goes a long way to substantiate the supposition that the demand was brought by Hubert himself with the letter of May 1080.

As I believe that the former of these letters heralded, and the latter accompanied, the demand for fealty, it is necessary to give a somewhat detailed account of their contents. The letter of 24 April 1080³⁸ was sent by William's own ambassadors, who, the pope says, 'me satis de tua prudentia honestate iustitia simul cum filio nostro Huberto laetificaverunt.'³⁹ The pope is at pains to convince William of his affection for him and of his confidence in his uprightness. This had been shown, he says, even before he became pope. He had supported very ardently the cause of William at the papal curia, when William was meditating his conquest of England,⁴⁰ and had suffered much calumny in consequence from those who asserted that he was giving his support to the shedding of men's blood. But he was clear in his conscience; he trusted, and not in vain, 'quia, quanto ad sublimiora proficeres, tanto te apud Deum et sanctam ecclesiam—sicut et nunc Deo gratias res est—ex bono meliorem exhiberes.'

³⁸ *Reg.* vii. 23.

³⁹ For the reason of their presence in Rome and the general sequence of events, see Böhmer, pp. 132 seq. The excellent account given by Böhmer shows how exactly the view that Gregory made this demand in 1080 fits into the general history; the same cannot be said if it is given any other date. I may state that I had come to the conclusion arrived at in this article before I had read Böhmer and knew that he had previously fixed on 1080; so that I did not start my investigation with any prejudice in favour of this date.

⁴⁰ 'Ut ad regale fastigium cresceres, quanto studio laboravi.' There is a distinct suggestion in these words, and elsewhere in the letter, that the support given to William by the papacy was responsible for the success of the enterprise.

The sentence that follows is very noticeable: 'Itaque nunc tamquam dilectissimo filio et *fideli sancti Petri et nostro*, sicut in familiari colloquio facerem, consilium nostrum, et quid te postmodum facere deceat, paucis aperio.' We see '*fideli*' used here as a substantive, and it is certainly employed in its technical sense. The pope, after mentioning his own difficult position, goes on to tell William what his duty is—to show himself obedient in all things, so that he may be a model for all other princes for ever afterwards. His reward will be not merely in the world to come; he and his heirs after him will have victory, honour, and power in this world. Nor is this a hard request. If William had raised up one of the meanest of his servants to be one of the greatest of kings, he would have expected due honour from him; must he not therefore himself be eager to do honour always to God, who has raised him, at his birth a wretched servant of sin, to be one of the greatest of kings, and has honoured, protected, and helped him? The pope concludes: '*Sapienti viro satis esse dictum iudicavi. . . . Quae vero in litteris minus scripta sunt, legatis tuis tibi voce dicenda commisimus.*' If we review these sentences from the pope, the statements he makes and the duties he seeks to impose upon William, we cannot but be struck by their significance, nor can we fail to recognize that Gregory has some definite purpose in writing them.

This letter was followed by another,⁴¹ a fortnight later, which makes the same claim, but in a different manner and, if anything, more directly. We do not know if the verbal message brought to William by his own ambassadors contained a further expression of Gregory's claims; it is certain, however, that they did not bring the demand that William should do fealty to Gregory, since William distinctly speaks of Hubert as the bearer of this demand. But the letter which followed a fortnight later was undoubtedly brought by Hubert. And this letter advances a claim similar to that in the previous letter, but based no longer on the assistance given by the papacy to the conquest, the height to which God had raised William, and the gratitude he ought to show in return. The chief point on which Gregory insists now is the predominance of the spiritual over the temporal power. He speaks of the '*omnibus aliis excellentiores apostolicam et regiam dignitates*' created by God for the government of the world, and compares them with the two great lights of the world, the sun and the moon,⁴² which in their relative functions supply an excellent parallel for the distinction between

⁴¹ *Reg.* vii. 25.

⁴² This is the only occasion on which Gregory uses this famous simile. In 1073 (*Reg.* i. 19) he had compared the *sacerdotium* and the *imperium* to the two eyes of the human body. The contrast between these two similes marks very accurately the change that took place in his point of view, of which I shall speak below. pp. 237 f.

the two powers, since 'cura et dispensatione apostolica dignitas post Deum gubernetur regia'. Here we have a definite statement of the superiority of the spiritual power, and the pope's idea of the relation between the two powers is clearly brought out in the next sentence in which he asserts that, on the evidence of Scripture, 'apostolicam et pontificalem dignitatem reges Christianos caeterosque omnes ante divinum tribunal repraesentaturam et pro eorum delictis rationem Deo reddituram.' He seems to have in mind the feudal custom of the lord defending his vassal in any court other than his own.⁴³ Therefore, as the pope will have to represent William before the greatest of all judgement-seats, 'iudicet diligens sapientia tua : an debeam vel possim salutem tuam non diligentissime cavere, et tu mihi ad salutem tuam, *ut vivendum possideas terram*, debeas vel possis sine mora non oboedire.' Here again he is certainly using feudal phraseology. He does not say that William will be prosperous in this world or the next, but that his *land-tenure* will be secure, if he follows the first duty of a vassal—obedience.⁴⁴ There is nothing more in this letter beyond general exhortations to William to love God with a pure heart, and to set His honour in all things before his own. I believe that Gregory was deliberately employing the language of feudalism to express his sense of the proper relations between himself and William, so that it seems to be a natural conclusion that it was with this letter that he sent Hubert bearing a verbal message demanding fealty. What other supposition can be put forward? What reason could there have been for sending Hubert to William almost immediately after he had sent a letter by William's own ambas-

⁴³ Cf. Pollock and Maitland, *History of English Law*, i. 306.

⁴⁴ I do not think it is a fanciful interpretation to see in Gregory's words a distinct reference to the feudal customs of the day. Medieval writers were very fond of employing metaphors from daily life, and Gregory is certainly no exception to this. In his letter of the same date to Matilda, he has an obvious reference to the custom of a wife arming her husband—'Ut integra et simplici [I should prefer to read *simplicia* here, than to conjecture with Jaffé that *mente* or *anima* has dropped out] diligas nobilitatem tuam precamur, dilecta obtineas, habita nonnunquam derelinquas. His armis et similibus virum tuum armare, cum Deus tibi oportunitatem dederit, ne desistas.' This is a slight instance, but it illustrates the general tendency. For instances of Gregory's employment of definitely feudal phraseology compare *Reg.* i. 43, p. 62, and v. 10, p. 299. It may be thought that I have attached too much importance to his use of the words 'ut vivendum possideas terram'. The phrase 'terra vivendum' is well known, and I have found thirteen instances of its use in the Vulgate; it occurs in Job, the Psalms, Isaiah, Jeremiah, and Ezekiel; it is also not infrequent in medieval writers, though this is the only occasion on which it is employed by Gregory VII. The phrase 'possidere terram' is a common one, from the book of Genesis onwards, but 'possidere terram vivendum' does not occur anywhere in the Vulgate, and I have not seen it in any medieval writer. The fact that the pope, to denote the result of righteous actions, does not employ his usual promise of eternal happiness and the like, but on this occasion only uses a phrase which contains the word *terra*, and combines it with another phrase which implies tenure of land, cannot, under the circumstances, be regarded merely as accidental.

sadors? It would be surprising, indeed, if a letter, which contains nothing beyond a statement of William's duty towards him (practically a statement of the reasons why William should do fealty to him), were not accompanied by a definite claim on Gregory's part. And, at this very time, Gregory was entering, through the mediation of Desiderius, abbot of Monte Cassino, into negotiations with the other great Norman leader, Robert Wiscard. Barely a month after writing to William, Gregory started for Ceprano, where on 22 June he received from Robert Wiscard an oath of fealty,⁴⁵ and Robert did homage to him for the lands he held from the papacy.

It was Gregory's practice to give his legates verbal messages to deliver.⁴⁶ And, not infrequently, the verbal message was the more important, and was perhaps for that very reason entrusted to the legate.⁴⁷ The most striking instance of this is in the embassy sent by Gregory to Henry IV at the end of 1075, which provoked Henry to anger and caused him to summon the council of Worms in January 1076. Gregory, writing to Germany in 1076,⁴⁸ gives us the facts, 'Misimus ei [sc. Heinrico] epistolae commonitorias . . . ;' and after stating the purport of that letter he goes on, 'Praeterea misimus ad eum tres religiosos viros, suos utique fideles, per quos eum *secreto* monuimus . . .' It is this private message which contains the threat of excommunication and deposition: 'propter quae [i.e. Henry's offences] eum non excommunicari solum usque ad condignam satisfactionem, sed ab omni honore regni absque spe recuperationis debere destitui.' It goes on in the same strain, and it was this that precipitated the struggle. By the 'epistolae commonitoriae' to which Gregory refers is universally understood the letter in *Reg.* iii. 10 (dated 8 December 1075). This contains no mention of a secret message, but was doubtless intended, with the solemn admonitions which it contains, to lead up to the really important business of the embassy—the secret message. It is worth while to dwell upon this instance, because it provides a close parallel for what appears to have taken place in 1080. The letter brought by William's ambassadors contained the first suggestion that William owed obedience to the papacy, and this is placed on the basis of gratitude for favours received; the letter brought by Hubert places the relations of pope and king on a feudal basis. Both these letters were couched in language the true meaning of which must have been perfectly intelligible to William, and they were designed to prepare the way for the demand, which Hubert

⁴⁵ *Reg.* viii. 1a.

⁴⁶ For examples of this see letters already quoted, e.g. *Reg.* iv. 17; vii. 23, 26.

⁴⁷ As a *registrum* of papal documents was kept, they were of a semi-public nature. A written message, too, might, and sometimes did, miscarry; or it might be rejected as a forgery (cf. *Epist. Coll.* 40). A verbal message by an accredited legate was more safe.

⁴⁸ *Epist. Coll.* 14.

was instructed to deliver by word of mouth, that William should do fealty to Gregory for his kingdom.

It is sometimes stated that Gregory based this claim on the support given by the papacy to the conquest of England. As this is asserted by writers who date the claim before 1080, and as Gregory only mentions the conquest of England in his letter of 24 April 1080, the statement is certainly a rash one. William's simple refusal does not mention the grounds on which Gregory based his claim, but he does say that he refuses, 'quia nec ego promisi, nec antecessores meos antecessoribus tuis id fecisse comperio.' If Gregory had rested his claim merely on the papal support of the conquest, the absence of precedent would not have entered into the question at all, and would hardly have been mentioned by William. The real grounds on which the claim was based seem to have been the superiority of the spiritual power over the temporal, and the feudal dependence of all earthly sovereigns on the pope, who is their overlord, and has to represent them before the judgement-seat of God. If this is so, we have here, as I said at the beginning, the only concrete instance of Gregory demanding fealty from a temporal sovereign by virtue of his spiritual supremacy.

Perhaps this statement will not be generally accepted, and needs to be substantiated. In the countries of which he claimed to be overlord the claim was based always on some grant from a temporal ruler, and was supported by the recognized doctrine that Church property could not be alienated.⁴⁹ Thus the claims he put forward with regard to Spain, Corsica, and Sardinia were based apparently on Constantine's donation⁵⁰; Hungary he claims as a papal fief by virtue of the supposed handing over of the country to the papacy by St. Stephen.⁵¹ The Normans in South Italy do homage to him for the 'terra sancti Petri' which they have seized. In all this Gregory is acting not as the spiritual head of the world but as a secular lord. He employs throughout the usual terminology, and acts as a temporal ruler dealing with his vassals.⁵² The claim to overlordship over all secular rulers, by virtue of the predominance of the spiritual power, was of gradual growth, and developed during the course of his struggle with Henry IV. After the first breach in 1076, he justifies his right of excommunication and deposition⁵³; during his period of neutrality from 1077-80 he suppresses for the most part the views that were doubtless maturing. When he excommunicated Henry IV for the second time, in 1080, they had taken a clear shape, and find full expression

⁴⁹ *Reg.* i. 7.

⁵⁰ Cf. *Reg.* iv. 28.

⁵¹ *Reg.* ii. 13.

⁵² Compare too the oaths of allegiance taken to him by Landulf of Beneventum (*Reg.* i. 18 a), Richard of Capua (i. 21 a), Robert Wiscard (viii. 1 a), Count Bertram of Provence (viii. 35), and even by bishops, as Robert of Chartres (iii. 17 a), Henry of Aquileia (vi. 17 a), and Gandulf of Reggio in North Italy (*ibid.*).

⁵³ *Reg.* iv. 2.

in the famous letter to Bishop Hermann of Metz in 1081.⁵⁴ In this he is at pains to deal with the question, 'Itane dignitas a secularibus—etiam Deum ignorantibus—inventa, non subicietur ei dignitati, quam omnipotentis Dei providentia ad honorem suum invenit mundoque misericorditer tribuit?' In this spirit he writes about the same time to Bishop Altmann of Passau and Abbot William of Hirschau,⁵⁵ sending to them the form of oath that he will require from whoever shall be elected king of Germany in Rudolf's place. This is to be an oath of allegiance to a feudal superior:

Ab hac hora et deinceps fidelis ero per rectam fidem beato Petro apostolo eiusque vicario pape Gregorio, qui nunc in carne vivit. Et quodcumque mihi ipse papa praeceperit, sub his videlicet verbis, *per veram oboedientiam*, fideliter, sicut oportet Christianum, observabo.

There is no evidence that the anti-king Hermann ever took this oath to Gregory, and the latter was not writing with any definite person in his mind, but his demand and the form that it took shows how imbued he was with the ideas of feudalism. The claim that he made to William, then, stands alone. It would be surprising, indeed, if he had formulated such a demand before 1080, by which date only had he finally worked out his complete theory of the predominance of the spiritual power; and, as I have shown, all the evidence points to the fact that the demand was brought to William in the form of a verbal message by the cardinal sub-deacon Hubert with the letter from the pope dated 8 May 1080.

Z. N. BROOKE.

⁵⁴ *Reg.* viii. 21.

⁵⁵ *Reg.* viii. 26.

*The Year Books of Edward II*¹

SOME account in the pages of this Review of the four volumes of Year Books from Michaelmas Term 1307 to Michaelmas Term 1310, edited for the Selden Society by the late Professor Maitland—the last volume completed after his death by Mr. G. J. Turner—has long been due, and more than due, and the present writer can only plead that the long delay in the discharge of this debt is due, in part at least, to an unwillingness to put forward anything that should seem too inadequate. For one who owes all, or nearly all, of what he knows of the early history of English law to Maitland's work, it would be presumptuous to attempt an appraisal of the master's execution of his task: to those who know something of that work it will be sufficient commendation to say that in these volumes Maitland has never fallen below the level of what he has done elsewhere. What is here set down is intended rather to show what the writer has himself learnt from Maitland's introductions (especially those to the first and third volumes), and from some study of the text, in the hope that it may stimulate others, historians as well as lawyers, to make themselves acquainted with the wealth of material which the Year Books afford for the study of legal and social history. If this article can gain a single recruit for the small band of workers in this department, its purpose will have been well served.

Each volume contains an introduction, those to the first three by Maitland himself, that to the last by Mr. Turner: these introductions alone together cover more than 250 pages. Then follows a legal calendar of the period covered by the volume. Next comes the text with a translation on the opposite page; the translation preceded by a head-note giving the main points of the case, but not translating the reporter's head-note, which is usually of little value. Each case is followed by a note from the record, where the record was available. The value of the record in elucidating and correcting the report has been amply demonstrated by the practice of the editors of the Rolls Series,

¹ *The Year Books of Edward II*, vols. i-iv. Edited for the Selden Society by the late F. W. Maitland; the last volume by F. W. Maitland and G. J. Turner, London: Bernard Quaritch, 1903-7.

and is further borne out by the present editor. Text, translation, and notes from the record occupy some 400 pages in each volume. The appendices contain some additional reports and records. Concordances of the edition with the old printed edition and with Fitzherbert's abridgement, tables of statutes, tables of the forms of action, and tables of the cases (constructed out of the English head-notes), an index of matters and an index of personal and local names close the volume. With this wealth of apparatus it seems ungracious to ask for more; but it may be suggested that a table of cases arranged alphabetically according to the names of the parties would give a real assistance which is not always afforded by the index of proper names.

The Year Books of Edward II were not printed until 1678. when the book sometimes known as Maynard's Edward II appeared; those of later reigns had been published piecemeal much earlier, some portions not long after the introduction of printing into England, though the books of a good many years have remained unprinted even to the present day; these piecemeal editions form the basis of the collected edition of 1678-80. The time of publication was not one favourable for the production of an even moderately satisfactory text: much of the law of the Year Books was obsolete or obsolescent; Maynard was perhaps the only man alive who knew and understood it, and, as Maitland says, all that he did was to lend a manuscript and furnish a table of matters. This single manuscript, not a particularly good one, now preserved in the British Museum, was the only basis of the printed text. In one place a stain in the manuscript prevented it from being read; the editor did not look elsewhere, but calmly left blanks in the print. In the first ten cases of the printed book there are misprints which make the text unintelligible without bold emendation. Not only so, but there is a good reason why at the present day we should not be content with a text founded on a single manuscript. Over a dozen are used or referred to by Maitland, and many more may exist. Many contain cases which are absent from the printed edition. Maitland estimates in the introduction to the first volume that a new text may be fully one-third longer than the old edition. As far as the four volumes now published go, this estimate has been distinctly exceeded; the new cases are nearly half as numerous as the old ones.

Not only is the manuscript authority for the Year Books of this reign voluminous, but it presents peculiar and difficult problems to a modern editor. The editor of a classical author is at least entitled to assume that there is one original text which it is his business to reconstruct; the problem of the pedigree of the extant manuscripts may be a difficult one, but he can be sure it is one which could be solved if he had sufficient material and

the knowledge and judgement to use it. With the Year Books—at least those of Edward II—the matter stands very differently. The manuscripts, if not contemporary with the cases which they contain, are for the most part not much later; they seem to belong to the first half of the fourteenth century. This in itself would make more difficult the problem of filiation, if such a problem there be. But not only is it the fact that of a given number of cases each manuscript will contain only a part—e.g. out of 196 Maitland reckons that A contributes 98, B 104, M 108, S 95, while there are only 40 given by all four—but the same case is reported quite differently in different manuscripts; each seems to have selected different points as worth reporting, and often to have modified, simplified, or expanded the facts or the argument. Even the same manuscript sometimes gives distinct versions of the same case. Similarities, again, which are so strong between two manuscripts in the report of one case as to suggest a common origin, disappear in the next where new resemblances appear between a different pair or group. Some of the manuscripts are not properly Year Books at all, that is, the cases are not arranged under years or terms, but under legal categories. In these circumstances Maitland inclines to the belief that in some cases at least we have before us as many as ‘four aboriginally independent reports’, a belief tempered with some hesitation due to the large amount of agreement between the different manuscripts and the uncertainty what ‘amount of liberty to improve a text a medieval collector of cases might assume’. The existence of these variant versions, and the liberties taken with proper names, facts, and arguments are enough (apart from other reasons) to show that the Year Books are in no sense ‘official’ reports. The reporters’ aim was the instruction of pleaders rather than the preservation of quotable precedents. Hence the disproportionate space (as compared with a modern law-report) given to argument.

Maitland has been criticized² for the manner in which he has printed the text. Where the manuscripts give what is in substance the same report, he has selected for each case the text of a single manuscript and printed it verbatim: variants given by other manuscripts are printed at the foot, except where substantially different versions of an argument or judgement occur, and then these have been printed in the text distinguished by brackets. Where, on the other hand, substantially different reports are preserved, each has been independently printed. Whatever may be true of other Year Books, it is difficult to see what better course could have been adopted in the present case. The *ipsissima verba* of judge or counsel, at any rate, we cannot get by any process of reconstruction, and if we are not sure that there is a single reporter whose

² By Mr. Pike in the Introduction to the *Year Book of 18 Edw. III* (Rolls Series), p. lxxxi.

original report lies at the root of our manuscripts, it seems better that we should have before our eyes the actual words which the writer, probably a contemporary or nearly contemporary lawyer, was content to write, and generations of lawyers content to read, than to have a text which might be sometimes better sense or better grammar, but still would be only a conjectural conflation. Nor does the present writer feel the force of the objection which has been taken to the fact that the translation sometimes follows the variant reading of another manuscript. On the other hand, a literal as opposed to a verbal transcription of the manuscripts was neither desirable nor possible: the writers' numerous contractions have been expanded, though this necessarily involves at times some amount of conjecture; proper names have been corrected where possible from the record; confusing misspellings, such as *ces* for *ses*, have been removed; and most readers will be grateful for the insertion of apostrophes and of occasional accents.

What were the subjects of dispute in the actions, some 400 in number, all with very few exceptions in the Common Pleas, which engaged the courts and the proceedings in which were thought worth reporting during the three years covered by these volumes? As some answer to this question the following figures have been compiled in pursuance of a suggestion made by Maitland in a note to the table of forms of action in the first volume.³

1. *Ordinary actions for land involving no special relationship and ranging from the most proprietary downwards to the most possessory* (163).

Writ of right	2	The writs of entry (<i>continued</i>):—	
Praeceptum in capite	1	Dum fuit infra aetatem	4
Little writ of right	1	Causa matrimonii praelocuti	1
Quod ei deforciat	1	De quibus	1
The writs of entry:—		Jury utrum	3
Undefined	12	Ael	7
Sur disseisin	11	Besael	4
Sur intrusion	8	Cosinage	5
Ad communem legem	3	Mort d'ancestor	11
In casu proviso ⁴	3	Formedon in the descender	17
On alienation by a guardian	1	„ in the remainder	1
Cui in vita	21	„ in the reverter	5
Sur cui in vita	7	Escheat	4
Ad terminum qui praeteriit	10	Novel disseisin	19

2. *Dower* (43).

Dower	40	Dower ex assensu patris	3
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³ The totals of each group are given in brackets after the heading. Forms of action referred to, but not themselves the subject of a report, are not included.

⁴ Two of these cases led, as the reporters tell us, to the framing of a new writ of entry in *consimili casu*: *Devereux v. Tuchet*, iii. 16; *Stirkeland v. Brunolfshhead*, iii. 106.

3. *Parceners* (5).

Nuper obiit	5
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4. *Lord and tenant* (84).

Customs and services	1	Ne iniuste vexes	1
Cessavit per biennium	6	Replevin	66
Contra formam feoffamenti	2	Suit of mill	2
Mesne	6		

5. *Waste* (12).

Against guardian	5	Against tenant for life	3
Between tenants in common	1	Against bailiff ⁵	1
Against tenant in dower	2		

6. *Easements and profits* (4).

Quod permittat	3	Admeasurement of pasture	1
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7. *Wardship and marriage* (15).

Ward	6	Ejectment of ward	3
Ravishment of ward	3	Forfeiture of marriage	3

8. *Advowsons* (20).

Darein presentment	4	Right of advowson	1
Quare impedit	15		

9. *Personal actions* (60).

Naifty	1	Trespass (<i>continued</i>):—	
Warantia Cartae	2	Goods	4
Covenant	3	Market ⁵	1
Annuity	5	Forestalling ⁵	1
Debt	19	Rescue	1
Detinue	5	Abetment	1
Account	6	Nuisance	2
Trespass :—		Ravishment of wife	1
Body	3	Conspiracy	1
Land	3	Deceit of Court	1

10. *Crime* (1).

Appeal of homicide	1
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11. *Proceedings of second instance* (4).

Certification	2	False judgement	2
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12. *Prerogative proceedings* (4).

Prohibition	4
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13. *Judicial writs* (22).

Quid iuris clamat	11	Scire facias	7
Per quae servitia	4		

⁵ The action was held not to lie.

The first thing that strikes one is the immense preponderance of actions concerning land and rights over land. The first group alone consisting of direct claims to land forms over a third of all the reported cases. In this group it is very noticeable how insignificant the purely *droiturel* actions are in number compared with the writs of entry—happily described by Hedon as being ‘*en la possession coloré du droit*’—and even with the possessory assizes. No case occurs of the termor’s action *quare eiecit infra terminum*, but the form of action is once referred to. The cases in the next seven groups are likewise concerned with rights over land and the incidents of tenure. Even in the personal group, *warantia cartae* and all the cases of covenant which occur relate to land. Several of the cases under these two heads are cases in which the procedure in court is only a means of conveyance. In one of the cases of annuity the annuity is a provision for an infant until he shall be advanced to an ecclesiastical benefice; in another we have an example of the tendency to give the annuity a ‘real’ character by charging the chambers of the heir. The comparatively small number of cases of debt makes it probable that claims of this kind were more commonly and conveniently enforced in the local courts. Of the cases of *detinue* three are claims for the return of charters: in such cases the defendant cannot wage his law. Trespass would figure more largely if we had more reports from the King’s Bench.

Some details of the cases falling under the lord and tenant group may be of interest, as illustrating something of the social structure of the time, more especially as we seem in one set of cases to see the court in the act of making a development of the law. We see, too, how hard it is to keep sharply apart the notions of right and possession.

We find only a single instance of the writ of customs and services.⁶ Its *droiturel* character made it cumbrous and dilatory, and this fact must have led to its disuse. Yet in the case before us counsel argues that it has more than one form, ‘some are writs of right which are to be terminated by battle or the grand assize; and such a writ none can use except one who can speak of the clear right. Others are mixed in the possession’ (i.e. are partly possessory). In another passage (if the text is right) he contrasts it with the *cessavit* which, he says, ‘lies altogether in the right.’ At any rate the court upheld the writ, though brought by one who was only a tenant in frank-marriage.

Of the *cessavit*, a statutory writ⁷ which enabled the lord to recover the land, if the services were in arrear for two years and it was impossible to find distress, we have six cases, including one of the *cessavit de cantaria*, a remedy given for failure to maintain

⁶ *Bardolf v. Prioress of B.*, i. 115.

⁷ Statute of Gloucester, c. 4, 1278; Westminster II, c. 21, 1285.

a chantry.⁸ In one case the writ is expressly spoken of as a writ of right and the parol demurs, on the ground of infancy, though the cesser was the tenant's own wrong.⁹ A view is refused where the tenant is himself the person who ceased the services.¹⁰ Whether the writ lies for incidents of tenure that are not periodic is left doubtful.¹¹ For a cesser in the time of the demandant's ancestor the writ will not lie.¹²

The tenant was protected from excessive claims for services by the *ne iniuste vexes*, also a writ in the nature of a writ of right, where the lord was seised of services greater than those actually due and distrained. Only a single case of this occurs,¹³ and there the action is met by a plea that the tenant is the lord's villein. An argument in a case of replevin shows the 'ancestral' quality of the *ne iniuste vexes*; the tenant and his ancestors must have held of the lord and his ancestors: a purchaser cannot use the writ.¹⁴

The Statute of Marlborough, 1267, gave a new remedy by the writ *contra formam feoffamenti* to a tenant who was distrained for suit of court contrary to the feoffment under which he or his ancestors had taken the land, with a saving, however, in favour of the lord in the case where the suit had been done before the period of limitation, the first voyage of Henry III into Brittany, 1230. Two cases of proceedings by means of this writ are given in these volumes. In one¹⁵ a concession by the lord that the tenant may for his convenience do suit at a near instead of a more remote court, although it had been for some time acted on, is treated as not binding upon the lord: the original suit remains due. In the other¹⁶ it was held that it was not necessary for the tenant to produce a charter of feoffment in order to maintain the action.

The writ of *mesne* enables the tenant to require the mesne lord to indemnify him against claims of the lord paramount. Six cases occur. In one¹⁷ an inconclusive debate shows the difficulties which arose in reconciling the personal and proprietary sides of feudal relations. A lady Diana of Hole had given land to the abbot and convent in free and perpetual alms. The manor in which the property lay subsequently came by feoffment to Robert, the defendant, who confirmed the lady's gift, reserving to himself and his heirs nothing but the orisons and spiritual benefits, and binding himself to acquit the abbot and his successors against all folk. The lord paramount distrains the abbot for homage, fealty, and suit to be done at his court at Barnstaple. The abbot brings the action against Robert to be acquitted of these services. The difficulty in the abbot's case lies in the nature of the services,

⁸ ii. 18. ⁹ i. 150.

¹⁰ Prior of St. Oswald v. Friars Preachers, iii. 37.

¹¹ i. 158.

¹² Copper v. Gederings, iii. 105.

¹³ Roys v. Abbot of Hulme, iii. 199.

¹⁴ Meldon v. Abbot of Beaulieu, i. 123.

¹⁵ Sayville v. Prior of Pontefract, ii. 93.

¹⁶ Curzun v. Cave, ii. 95.

¹⁷ Abbot of Hartland v. Beaupel, iii. 164.

which, being spiritual, are incapable of assignment, but remain due to Diana's heirs. The abbot has never attorned to Robert, and it is argued that he cannot attorn away from the donor and her heirs. Consequently he is not Robert's tenant in spite of the deed of confirmation. The solution which was later reached,¹⁸ namely, that the lordship might be granted, but that the tenant should thenceforth hold by fealty only, seems not to have occurred to any one in the case. The opinion of the court seems, however, to have been in favour of the abbot on the ground that whether the lordship was alienable or not, the action of mesne would lie even against one who was not truly a mesne lord, if by his charter he had so confirmed the tenant's estate as to imply a mesne tenure and an undertaking to warrant and acquit the tenant. At any rate a record from later proceedings in the same action appears in some manuscripts showing a judgement in favour of the abbot on the ground that 'Robert cannot in this behalf escape from the acquittance against his own deed'.

Another case¹⁹ raises the question of the relation between the hundredal and the seigniorial jurisdiction. The tenant alleges that the lord, contrary to his own deed, 'which says that you are bound to acquit against all men,' has failed to acquit him against one H. who demands suit to his hundred of W. The action fails, since the demandant is driven to confess that the hundred belongs not to H. but to R., but the arguments and the judgement leave it at least doubtful whether the suit was in any case a matter of which acquittance could be demanded in the action; it is a matter, it is argued, that is demanded by reason of residence. A short note which occurs in two of the manuscripts states the rule that of 'suit royal to a hundred' one cannot have the right to be acquitted by one's lord.²⁰

The field on which the battle of lord and tenant with regard to the incidents of tenure was mostly fought out was the action of replevin. Of this action over sixty cases occur in these volumes. Some of the cases, no doubt, are cases of a replevin of goods taken in distress damage feasant, and involve no relation of tenure, and such actions fall more properly under the easement and profit group. Thus questions of the intercommoning of vills,²¹ of an appurtenant right of pasture by prescription,²² of a right of way,²³ of a several fishery²⁴—the boat is taken damage feasant—of an appurtenant right to agistment,²⁵ may be raised in such an action, and a commoner can protect himself against a stranger who puts his beasts upon the common.²⁶ A landowner who

¹⁸ Co. Litt. 98 a.

¹⁹ iii. 119.

²⁰ Cf. Coko, 2 Inst. 99; Fitzherbert, *Natura Brevium*, 304.

²¹ i. 39.

²² Walton v. Latimer, i. 81.

²³ Latimer v. Walton, i. 165.

²⁴ Huishe v. Wike, ii. 78.

²⁵ Scardeburgh v. Ulram, ii. 129.

²⁶ iii. 102.

finds trespassers taking rabbits in his warren may take from them a ferret and nets, but he must do so while they are within the warren.²⁷

But the bulk of the cases of replevin raise questions incident to tenure. We find the lord distraining for all manner of services, for rent,²⁸ for homage,²⁹ for fealty,³⁰ for a relief,³¹ for a heriot,³² for suit of mill,³³ for suit of court,³⁴ for escuage,³⁵ for an amercement at a view of frankpledge where the lord alleges that he is lord of a manor with view of all residents in the manor,³⁶ even for masses due from a parson by reason of tenure.³⁷ When the person who claims the services has seized the goods or beasts on the land of which he claims the lordship, the owner brings the writ and the sheriff redelivers the goods to him, on his giving security to prosecute the action and return them if it is decided against him. The distrainer must now 'avow', or if he is acting as bailiff for another, 'make cognizance,' i.e. must show cause justifying the seizure. He is thus put in the position of plaintiff and must prove his case; but a merely possessory title is, or at any rate was, enough. We still read 'The *ne veres* goes to discharge the tenancy in the right: and replevin is the most tender and possessional thing that there is',³⁸ and this was the old law. 'On the one hand a lord or would-be lord must not distrain unless he can allege a recent seisin of those services the arrears of which he is endeavouring to recover. On the other hand, a recent if wrongful seisin of those services gives him the right to distrain.'³⁹ This principle will work in favour of the lord. He is not likely for long to omit exacting the services, and thus he will keep alive his seisin. If he has failed to do so, he can afford to bring the *droiturel* actions which will restore the right. The tenant, at any rate if he is a small man, is only too likely to submit to an unjustifiable exaction, and unlikely to engage in the expensive litigation which will discharge him of a once acquired seisin of the services.

But by the time of Edward II the purely possessory nature of replevin is being largely modified. 'You desire to charge them because your avowry lies in the possession,' says Scrope J.,⁴⁰ 'but in every avowry both right and possession are present.' This double character of the action was due in great measure to two statutes. The Statute of Marlborough, c. 9, which had

²⁷ *Boyden v. Alspath*, i. 87.

²⁸ *Wington v. Wington*, i. 135; *Bukeham v. Staunton*, ii. 93.

²⁹ i. 78, &c.

³⁰ *Abp. of Canterbury v. Percy*, iii. 26.

³¹ *Kenyngton v. Cornwall*, ii. 179.

³² *Codeston v. Prior of Tunbridge*.

³³ *Starley v. Threlkeld*, iii. 81.

³⁴ See cases cited on the two next pages.

³⁵ *Muleburne v. Le Moyne*, ii. 187.

³⁶ *Durant v. Cogan*, iv. 110.

³⁷ *Rogers v. Honynggham*, iv. 197.

³⁸ *Herle*, *arguendo*, in iv. 72.

³⁹ *Pollock and Maitland*, ii. 578.

⁴⁰ *Hauterive v. Painel*, iv. at p. 63.

given protection to the tenant by means of the *contra formam feoffamenti* unless there had been a seisin of the services before 1230 has already been mentioned. It was only to be expected that attempts would be made to use the statute as a plea to an avowry for services. Again, the Statute of Westminster, II, c. 2, 'to the intent that justices may know upon what fresh seisin the lords may avow the distress reasonable upon their tenants,' had enacted that 'a reasonable distress may be avowed upon the seisin of any ancestor or predecessor since the time that a writ of novel disseisin hath run', i.e. since 1242. Thus the door was opened for raising questions of ancient as opposed to recent seisin of the services. An ancient seisin, especially if it goes back for three-quarters of a century, gets to look very much like a right. A considerable number of cases in these volumes deal with the questions so raised. In *Hauterive v. Painel*⁴¹ the avowant for suit of court alleges his own seisin by the hand of the plaintiff. The plaintiff pleads a charter of feoffment, without reservation of suit, made to his ancestor by the avowant's ancestor. Counsel for the avowant tries to argue that if the plaintiff relies on the Statute of Marlborough he must bring the *contra formam feoffamenti*: and that seisin from the time limited by the Statute of Westminster II is enough for the avowant's purpose in the present action. The court decides against him, and he is driven to allege a seisin for the longer period. The jury ultimately find in his favour on this issue, and one may doubt whether in the beginning of the fourteenth century it made very much practical difference which period was alleged: presumably if the memory of persons living at that time testified, as far as it went back, to a continuous seisin, it would be as easy to infer that the seisin had been from 1230 as from 1242. In an earlier case,⁴² where the facts were the same, it is not so clear what view the court took as to the law, though according to one report counsel for the avowant ultimately pleaded a seisin of the suit before the earlier period of limitation, and this is borne out by the record. But the feeling against giving effect to a wrongful seisin is strongly shown by the fable told by Bereford C.J. 'Once upon a time a man lay sick abed, and so weak was he that he swooned and lay in a trance, and it seemed to him that he came unto a certain place and there saw three pair of gallows, each one higher than the last; and on the shortest hung his grandfather, and on the mean his father; and he asked wherefore this was so; and one answered him and said that his grandfather did a disseisin, and for this trespass was hanged, and after him for continuance in the wrong his son was higher hanged, and the third and highest pair of gallows

⁴¹ iv. 56.⁴² *Mareys v. Cogan*, ii. 116.

was for his own proper use when he should be dead, because of the yet longer continuance in the wrong. So do not you trust too much to what you say about your doing no wrong in continuing the estate of your ancestors ; for if their estate be wrongful so is your own.'

In both of these cases there had been no alienation: the action was between feoffor's heir and feoffee's heir. Where one of the parties is an assignee the position may be different. On the one hand in an anonymous case⁴³ where there had been a feoffment reserving no suit, and the avowant, who distrained for the suit, was an assignee of the feoffor, he was allowed to rely on a recent seisin, a seisin, that is, ever since 1242. The Statute of Marlborough was not referred to in argument or by the court ; but there is a reporter's note, 'and not beyond the limitation of the writ of novel disseisin, as the deed was a stranger's.' A man's deed will bind his heirs: it does not follow that it will bind his assigns. In the *Prior of Bishopsgate v. Habenhache*⁴⁴ plaintiff and avowant were assigns of the original feoffor and feoffee, the feoffment again being one which reserved no suit. In this case, too, the Statute of Marlborough is not directly relied upon by the plaintiff; indeed one of his counsel says, 'I freely grant we are at the common law.' His case appears to be that the feoffment discharged the tenement, and that the more recent seisin by the hand of his predecessor, an earlier prior, will not charge the land save for the predecessor's time. This view is accepted by the court, and the avowant is driven to plead a seisin from before 1230. The case is not therefore, as it at first sight appears, inconsistent with the last. But in *Venour v. Blund*⁴⁵ it looks as if the tide had decisively turned. This case was one between the heir of the feoffee and a purchaser of the services. Again it is argued that the feoffor's deed is not binding on the purchaser: it is 'not the deed of our feoffor nor of any of our feoffor's ancestors, nor of our ancestor's'.⁴⁶ The importance of the case and the hardship of allowing a man to rely on a wrong against the deed of his predecessor in title is clearly felt by the court. The case is more than once adjourned. 'Talk about a compromise until to-morrow, for as a matter of law, you are pleading about the right in one way or the other,' says Bereford C.J. 'And by a decision on this avowry we shall make a law throughout all the land. A bad rascal of a bailiff or hayward may cause a poor man to do suit, and thereby he would remain charged for all time through this false possession.'⁴⁷ At last the court forces the avowant to aver seisin of the suit before the voyage of King Henry into Brittany, and the chief justice adds,

⁴³ iv. 71.⁴⁴ iv. 91.⁴⁵ iv. 157.⁴⁶ iv. 159.⁴⁷ iv. 162.

'for twenty years there has not come into England so good a law for poor people'.

A case⁴⁸ reported earlier in the same volume, though it is inconclusive, for judgement was reserved, and the plaintiff ultimately allowed the action to go against him by default, is worth referring to as an instance of similar questions arising with reference, not to a suit of court, but to a rent service. A previous bishop with the consent of his chapter had by deed released to a tenant, his heirs and assigns part of the rent service. The tenant's heir had enfeoffed the plaintiff to hold of the chief lord. The present bishop has, however, had seisin of the whole original rent by the hand of the plaintiff and now distrains for three and a half years' rent in arrear. Counsel for the avowant contends, and the argument is not answered, that the Statute of Marlborough is no defence to the avowry; it is not quite clear whether because the release is not a charter of feoffment, or because the plaintiff is merely an assign of the original releasee.⁴⁹ The avowant alleges seisin of the rent service since the time fixed by the Statute of Westminster. Apparently the tenant has only recently acquired the property, for he says that the avowant's seisin during the plaintiff's own time has been for only half a year. But a seisin of the avowant's last predecessor for ten years, the fact that he died seised, and that the avowant himself has been seised, make a strong case for him. The chief justice is at any rate clear about the moral aspect of the case. 'It is a dishonourable thing for an honest man to demand that which his predecessor released. But,' he says to the plaintiff, 'as they make a title higher up' (i.e. they plead the predecessor's seisin), 'it will behove you to answer.' One version reports stronger language:

The men of Holy Church have a wonderful way! If they get a foot on a man's land, they will have their whole body there. For the love of God, the bishop is a shrewd fellow! And this is the deed of his predecessor, who received other tenements for his release and quit claim. And the plaintiff has done no wrong. So don't you do him any wrong by false colour, lest there happen to you what happened to one who did a disseisin, about which there is a good tale above in *Herbert de Mareys v. Thomas Cogan*.⁵⁰

Two replevin cases illustrate curious points that may arise in the relations of lord mesne and tenant. In one⁵¹ a tenant before the Statute of *Quia Emptores* enfeoffed another to hold by the service of six pence, whereas he himself held of the chief lord by the service of twelve pence. Then he granted to the chief lord

⁴⁸ *Thorgrim v. Bishop of Hereford*, iv. 64.

⁴⁹ iv. 66, 68, 69. The reports differ: the third suggests that if a predecessor of the bishop had released to the plaintiff, or if the present bishop had released to the plaintiff's feoffor, the release might perhaps have been pleaded.

⁵⁰ *Ante*, p. 248.

⁵¹ *Luceleye v. Bagot*, iv. 17.

the services of the tenant in demesne, and that tenant attorned for the six pence. The lord now distrains for the twelve pence. It is held that he cannot do this if he took the tenant's fealty: the mesne tenure has been extinguished. In the other⁵² the chief lord purchases the land from the tenant in demesne. The mesne lord thus becomes lord of his own chief lord in regard to the purchased property, and is allowed to avow upon him and the latter is driven to disclaim.

A small group of cases, though turning on a technical rule of procedure, is important as showing the difficulty of drawing the line between the realty and personalty of things and actions. It was well established that while the wife can have rights in land which are not her husband's rights, her goods are simply his goods. Now the action of replevin is in one sense personal, for it orders the return of chattels. Yet the real question in dispute is usually one relating to rights over land. It is held to follow that husband and wife may properly join in bringing the action where the question in dispute is a claim of the husband in right of his wife to common.⁵³ In other cases the husband sues or is sued alone, but it turns out that a question of his wife's right over land is involved. The plaintiff or defendant, as the case may be, is allowed to 'pray aid' of his wife,⁵⁴ in order that she may be before the court to assert her right. The procedure for bringing her before the court seems to have undergone a change in the period covered by these reports. In one of the earlier cases⁵⁵ aid was granted and a writ issued to summon his wife. But the report contains a criticism on this: 'which seemed strange, for in such a case a wife shall not be summoned, but the husband shall be told to produce his wife in court if he think fit to do so.' This looks like a survival of a time when there was no formal aid prayer of the wife in such cases, though the husband might informally bring her before the court to state her case if he thought worth while. In a case in the fourth volume⁵⁶ the question of procedure is directly raised by counsel and decided by the court. The plaintiff prays aid of his wife, which is granted: and he then sues a writ to cause his wife to come.

Herle to Tondeby. We think that without any writ the husband should be told to produce his wife. We have often seen that done. STANTON, J. No one in England could maintain that procedure as lawful, namely, that in a plea of land, or any plea which touches the realty, a husband should be told to produce his wife without her being summoned.

Technical as is most of the matter of these Year Books they

⁵² *Broke v. Broghton*, iv. 196; cf. a similar case discussed in i. 119. ⁵³ i. 128.

⁵⁴ *Cobham v. Payforer*, i. 10; i. 94, 98; *Porteseye v. Haustedo*, iv. 173. Cf. *Gouteby v. Latimer*, iii. 111.

⁵⁵ *Cobham v. Payforer*, i. 10.

⁵⁶ *Porteseye v. Haustedo*, iv. 173.

abound in points of human and historical interest. The course of agriculture is illustrated by such cases as *Osgodby v. Abbot of Woburn*⁵⁷ and *Billing v. Eton*,⁵⁸ where the custom is alleged of pasturing oxen and all manner of beasts 'in two years after corn cut and in the third year throughout the year when the land lies fallow'. In *Gouteby v. Latimer*,⁵⁹ unfortunately very ill reported, we read of 'a great place which folk call a *bresche*'; and according to the plea upon the record

This place of Suthbrech is a certain field which, by old custom then used, ought to be ploughed and sown for six successive years, and then for the next six successive years it should lie fresh, and throughout those six years when the field happens to lie fresh, the field is a common pasture, belonging to the free tenement of the plaintiff and all the other freeholders of the vill who hold by bovates, &c.

We are made to realize what the enforcement of status of villeinage might mean when we read of Simon of Paris, alderman of London, and sometime sheriff, being seized at Necton as a villein 'found in his nest' by the lord's bailiff. He seems to have been imprisoned for a few hours only, and we are glad to learn from the record that in the action which he brought for assault and false imprisonment he was found to be a free man and of free estate, and that the jury awarded him £100 damages.⁶⁰ The snapping up of wardships was a common occurrence, for which a technical term '*happer la garde*' existed.⁶¹ There are two, or perhaps three, cases of abduction, 'ravishment,' of the ward. We should see more if the reports were not almost exclusively those of proceedings in the Common Pleas. The buying, selling, and leasing of wardships is of regular occurrence. Sometimes a man seems to have made an attempt to provide, by means of a collusive conveyance, against the burden which a wardship would impose on his heir.⁶² In one case the father tries to make what is in effect the appointment of a guardian by enfeoffing his son and delivering the land to another to keep for him.⁶³

A lady claims dower, alleging that her husband has died at 'Ypota en le mier de Grez': the other side drop their contention that the legal presumption is in favour of the continuance of life, and plead that both she and her husband are professed in religion; the bishop's certificate decides in their favour.⁶⁴ A man and a woman as husband and wife are levying a fine in the Common Pleas: some one intervenes and asserts that she is his wife ravished from him, and that an action for the

⁵⁷ i. 104.⁵⁸ ii. 37.⁵⁹ iii. 111.⁶⁰ *Paris v. Page*, i. 11.⁶¹ i. 108; *Mareschal v. Lovel*, iv. 8.⁶² iii. 121.⁶³ *Pateshull v. Bray*, iii. 185.⁶⁴ *Maundeville v. Fitzpayn*, i. 21. Another version gives the name of the place as 'Spoca'. Was the name itself an invention?

ravishment is pending in the King's Bench. This is found to be true and the note of the fine is not received.⁶⁵ John of Gyse brings an action for the abduction of his wife Isabel against Adam of Baudewyne. The Court treats her as *de facto* his wife, though it is alleged that he is suing a divorce. The jury find against him as to the fact of the abduction, and six years later the former defendant proceeds against him for like offence. In the next year the Patent Rolls show Isabel recognized as John's wife.⁶⁶ The same John of Gyse appears as plaintiff in an action against Thomas Baudewyn for falsely abetting Alice, the widow of Brice of Burwood, to appeal him for the murder of her husband.⁶⁷

A survival of the notion that the king's peace dies with him occurs in a case of trespass.⁶⁸ The writ had been brought for battery in the time of the late king. The parties pleaded to issue, and before the inquest the king died. The defendants were found guilty, to the plaintiff's damage forty marks, and the trespassers were adjudged to prison. 'And so note,' adds the reporter, 'that they were adjudged to prison for a trespass done in the time of another king, for in that time they had pleaded to the issue of the plea. Otherwise they would not have been punished.'

A grim story is told by Bereford C.J., by way of showing that 'acquitted of a certain felony and never arraigned of any other' is not a good plea to a writ of escheat on the ground of felony.

It may have chanced to him as it chanced to a man who did felony and obtained the king's charter of peace, and afterwards came into court and left his charter at home, and was arraigned of the felony, and said that he had the king's charter at home, and because of the confession of felony, and because he had not the charter at hand, he was hanged before nightfall.⁶⁹

Yet, as will have been seen above, examples are not wanting of the strong desire of the judges to temper the rigour of the law and prevent the abuse of legal procedure for purposes of oppression. A few more instances may be given. 'We must serve our clients according to the law of the land,' says counsel, when Stanton J. objects that his technical plea to a voucher is contrary to good faith. 'Reason', retorts Bereford C.J., 'requires that you warrant him, and the law is founded on reason, and good faith demands it, since you yourselves are this day seised of the tenements.'⁷⁰ 'They would like to have the eggs and the halfpenny as well' is a remark attributed to the same judge in another report of the case. In one case the plaintiff had claimed a sum

⁶⁵ i. 37.⁶⁶ iv, Introduction, xxxiii.⁶⁷ ii. 154.⁶⁸ iii. 104.⁶⁹ Archbishop of Canterbury v. Dyer, iii. 153, 155.⁷⁰ Gaunt v. Gaunt, iv. 78.

due upon breach of a condition which had caused him no damage. The letter of the bond is on his side. In words which are a remarkable anticipation of a modern doctrine of equity, Bereford J. tells his counsel :

This is not, properly speaking, a debt : it is a penalty ; and with what equity (look you) can you demand this penalty ? . . . Were you to remain asking for our judgement, you would not come by your debt these seven years, for a judgement of the law is not to be given in that sort of way.⁷¹

An attorney who has vouched to warranty for the purpose of delaying a woman who claims dower is sent to prison by Stanton J. 'until you are well chastised'.⁷²

Something must be said of the language of these early Year Books and of Maitland's work on it. We are far from the time when law French had become an ungrammatical jargon eked out at every other word with English.⁷³ We are still more than half a century from the statute which ordered (with very imperfect success) the use of English in the courts. French was still the living language of polite society, and the only living language in which English law was or could be expressed. Though affected by the influence of the French of Paris, an influence which shows itself above all in the varieties of forms and spelling, it underwent a development of its own. Of this language Maitland has given us in the Introduction to the first volume a study which is enough to put him high in the ranks of scholars in the narrow sense of the word, and makes us feel that there must have been something very wrong in the teaching which could not make him love Greek. A few points may be noted. *An* tends to become *aun* if 'blocked' by a consonant, as in *taunt*, *quaunt*, *demaunde* : so too we have *oun* for *on*, as in *soun*, *ount*, *noun* for *son*, *ont*, *nom* and *non*. In *il doune* and *il cleyne* by the side of *nous donoms* and *nous clamoms* we see the effect of accent on vocalization. *Ley* is far commoner than *loy*, but *roy* far commoner than *rey*. The normal singular for nouns has no *s*, the plural has it : there is no declension for case. Yet *il* is the common form for 'they'. An uncertainty in the use of final *e* makes it look at first sight as if there was an indifference to gender : but the correct use of the article and possessive pronouns shows that the sense of gender is not lost.

A collection of verbal forms shows the verbal inflections well preserved : the conjugations are kept distinct, though *aver*, *tener*, *oyer*, are too common, and *recoverer* (*recuperare*) tends to become *recoverir*. *Stare* is still represented by a few forms,

⁷¹ *Umfraville v. Lonsted*, ii. 58.

⁷² *Broke v. Taylard*, iv. 194.

⁷³ In a case dated 1606 we find it written of the making of candles, 'le needfulness de eux dispensera ove le noisomness del smell.' 2 Rolle Ab. 139.

not merged in the verb *estre*, chiefly in technical phrases, such as 'le bref estut', 'the writ stood'. It has a subjunctive *estoise*. The imperfect is being ousted by the preterite: there appears no difference in meaning between them, and where the imperfect form is preserved the corresponding preterite is rarely employed. Some verbs are developing a conjugation in which some persons come from the one tense, some from the other: thus *dixit* is normally represented by *dist*, but *dixerunt* by *disoient*. A curious contamination appears in *vindreint*, *vindereynt*, which the context requires to be indicative. *Ert* (= *erat*) occurs, and there is an instance of *errez* (= *eritis*). *Respondre* regularly (where not abbreviated) forms *vous responez*: is this due to 'proportional analogy' founded on *prendre*, *prenez*, and the like? *Remansit* appears as *remist*. *Habuimus*, *habuistis* appear as *aveimes*, *aveistes*. Future and condition are well preserved, though they tend to be confused with each other. In the subjunctive the terminations *-oms*, *-ez* are much commoner than *-ioms*, *-iez*. Syntactically the subjunctive is in full use both as a jussive and in subordinate clauses. The present subjunctive is common in the protasis of a conditional sentence. The imperfect subjunctive commonly appears both in the protasis and the apodosis of an 'unreal' conditional sentence (*si jeo deisse . . . jeo abatisse mon bref*); but the conditional may also appear in the apodosis after a subjunctive in the protasis, and the same apodosis may contain both subjunctive and conditional (*nous vouchassoms nostre feffour, et il vouchereit Margerie*). The reflexive verb frequently supplants the passive (*la execucion se fra*). The *si* (= *sic*) which introduces a principal clause after a subordinate one is common and noteworthy, 'pur ceo que trové est par enqueste, . . . si agarde cest court.' Some English words and phrases have an interesting history in lawyers' French. It was only late in life that 'assets' (*assez*) became a plural and engendered a singular. 'He was nonsuited' is translated from the French 'il fust non suiwy', and that seems to represent 'non est prosecutus'. The infinitive is common as a *nomen actionis*, and it is remarkable that some familiar English words in which *-er* represents the French infinitive (*rejoinder*, *voucher*, *remainder*, *render*, *surrender*) are all technical legal terms.

These volumes of Maitland's and the growing number of the admirably edited volumes of the Rolls Series prompt two suggestions for the furtherance of the study and knowledge of our early law. For one thing we want a students' book of select cases from the Edwardian Year Books. Many of the cases deal with minute points which lie aside from the main lines of development, many are obscure because badly reported, and the beginner is likely to be disheartened by the feeling that he has got into

a maze where the difficulties are too numerous and the clues too confused. Even if the student is guided by his teacher in the selection of cases, the volumes are expensive, and the libraries where they can be found are none too many. Nor is it an unmixed advantage for the learner that he should always have the translation facing the text. Such a book of cases might bring many students to the stage at which they could do *seminar* work with profit on the 'books at large'.

Again, is it not time that the construction of a digest or index of the Year Books which have been edited under modern conditions was taken in hand? The modern lawyer would be at sea in his library if he was expected to find the law on any point without such aids as are afforded by modern digests. How is the development of legal doctrine in the Edwardian period to be traced unless the materials are first brought together into something like an ordered arrangement? The old abridgements will not serve our purpose; their authors' aims were practice, not history: how miserably inadequate they are may be seen at a glance by turning to the concordance with Fitzherbert in one of Maitland's volumes. Such a new digest, though its authors would keep in view the methods of a digest of modern cases, would not in all respects be made on the same plan: not only decisions, or even dicta of judges, would find a place in it; for the historian of law the arguments of counsel may be no less valuable; it would contain rubrics of social, economic, and historical as well as legal import. An experiment on a small scale may at any rate show what value there is in the suggestion, and what are the conditions of success. Will not the Selden Society begin by giving us a digest of these four volumes together with the recently issued *Eyre of Kent*?

W. M. GELDART.

The 'Letters and Papers of Henry VIII'

‘AND so we have come to the close of a reign the most marked of all in English history for permanent effects, not only on the domestic condition of the country, but on international relations as well.’ With these few, simple words Dr. Gairdner brings to their conclusion labours which have absorbed the best part of his energies for more than half a century and resulted in one of the greatest monuments of English historical scholarship. Restraint and self-effacement are wholesome traditions of our governmental service ; but it is almost an excess of virtue to finish a task of such magnitude without some backward glance at the path that has been trodden and some general survey of the gains that have been reaped for historical science. In any case the obligation to silence does not lie upon those who have benefited by the editorial skill, patience, and learning of Dr. Gairdner and his colleagues ; and in the pages of this Review it is only fitting that some note should be taken of the completion of a vast undertaking, which has not been advertised and has therefore passed almost unheeded by the ephemeral press.

It is characteristic of English methods that this series of records should have owed its distinctive merits, not to the forethought of a government department, but to the initiative of an individual scholar. The State Paper Office, which was then separate from the Public Record Office, had already before 1856 arranged for the publication of calendars of the three principal classes of State Papers in its custody, Domestic, Foreign, and Colonial ; and in that year appeared the first volume of R. Lemon’s *Calendar of Domestic State Papers*, beginning with the reign of Edward VI. Mrs. Everett Green’s first volume in the same series, starting from 1603, followed in 1857, and J. Bruce’s, starting from 1625, in 1858. In 1858 Markham J. Thorpe also published the first volume of his *Scottish Calendar*, in 1860 Noel Sainsbury the first of his *Colonial Calendar*, and in 1861 W. B. Turnbull the first of his *Foreign Calendar*, which began, like Lemon’s, with 1547. Probably it was not the intention of the Master of the Rolls to go back to the reign of Henry VIII ; eleven volumes of State Papers relating to it had already been published *in extenso* by the Record Commission between 1830 and 1852, and in 1856 the same Commission

published F. S. Thomas's *Historical Notes*, which contained further information on the records of the reign.

But, possibly owing to the irritating stimulus of Froude's *History*, the first two volumes of which were issued in 1856, it was determined to tap once more the unexhausted sources of Henry's reign; and in that year John Sherren Brewer was asked to catalogue a set of loose papers, mainly theological, preserved in the State Paper Office, illustrative of the history of the Reformation. Brewer, however, insisted that the work could not properly be done without reference to the numerous documents in other collections; in many cases different portions of the same State Paper were preserved in different MS. departments, and it was impossible even to ascertain the right chronological order of the documents in the State Paper Office without collating them with the documents elsewhere, or to exhibit the correct development of events without calendaring them side by side. The Master of the Rolls yielded to his representations, and so the *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII* was begun on its unique plan of including all the contemporary documents wherever they could be found. It is true that from first to last the title-pages have limited the documents to those 'preserved in England', but the editors have happily transgressed this letter of the law, and calendared documents preserved in Scotland, Ireland, and even transcripts from foreign archives.

Like so many things of English institution the series has grown as it progressed; and it lacks that uniformity to which all growth is fatal. For one reason, the editors' conception of what was an adequate length for their *précis* developed rapidly. Brewer compressed into his first volume the documents of five and a half years, and succeeded in calendaring on an average five or six documents on a single page; but by the time that he reached his fourth volume a year occupied as much space as three years in the first volume, and the average summary of a document had expanded to half a page; and this is the scale generally maintained throughout the rest of the series. More fortunate still has been the steady expansion of the sources from which these materials are derived, although the laudable desire to make them complete has led to a good deal of overlapping with other calendars published under the direction of the Master of the Rolls. Brewer's early volumes contained little that was not in the Record Office, the British Museum, or Lambeth Palace Library; and the lack of co-operation between the editors of the different calendars sometimes produced results that were diverting rather than edifying. For instance, Brewer seems to have had no access to the Spanish State Papers which G. A. Bergenroth was simultaneously calendaring for the Master of the Rolls, and we find Bergenroth, in the

preface to the Supplement to his second and third volumes, which was published in 1868, criticizing from evidence contained therein statements about Wolsey made by Brewer in his third volume, published in 1867; Brewer retorts in the preface to his fourth volume, published in 1875, but still commits himself to views which he would probably have modified had he read the volumes of the *Spanish Calendar* issued between 1875 and 1879. More harmony appears thenceforth to have been preserved between the two calendars, which continued to run a neck-and-neck race till 1536; after that the *Spanish Calendar* forged ahead, and in his later volumes Dr. Gairdner has practically incorporated it in the *Letters and Papers*, correcting at the same time the somewhat numerous and serious errors for which the editors of the *Spanish Calendar* were responsible. He has also made increasing use of the *Venetian Calendar*, though after 1530 its entries grow very meagre, and he has taken full advantage of the French diplomatic correspondence of Castillon, Marillac, and Selve. Similarly he has utilized Scottish and Irish sources, such as the Hamilton Papers, the Rolls of the Scottish Exchequer, the Registers of the Scottish Privy Seal and Privy Council, the Irish State Papers, the Carew MSS., and the publications of the Historical Manuscripts Commission.

Other streams have trickled in one by one to swell the volume of this river of records. Some of them owed their origin to the expanding activity of Tudor governments; the numerous documents emanating from the Court of First-fruits and Tenths could not begin before the Act of Annates, nor those of the Court of Augmentations before the confiscation of the monasteries. Again, the records of the English Privy Council are missing until 10 August 1540, from which date Nicolas's *Proceedings* and Dasent's *Acts* are summarized in the *Letters and Papers*. The missing links in those series have not been discovered, nor has any trace been found of Journals of the House of Commons for Henry's reign: they, apparently, were missing as far back as the time of James I, when it was stated in a court of law that none had been kept during Henry's reign;¹ the statement was impugned by the attorney-general, but the Journals were not forthcoming. The Lords' Journals are extant, with considerable gaps, one extending from 1515 to 1533; but Dr. Gairdner seems to have drawn the line of *Letters and Papers* between the Register of the Privy Council and the Journals of the House of Lords. Other materials which have been excluded from the series are the law reports—though an exception was made in favour of an extract from Keilway's *Reports* dealing with the famous case of Richard Hunne—and the records of the Star Chamber, the Court of Requests,

¹ Hobart's *Reports*, ed. 1650, pp. 109–111.

and the Councils of the North and of Wales and its Marches. Parliamentary writs and returns are also omitted, nor should we have expected to find household accounts or subsidy-rolls had not an elastic interpretation of *Letters and Papers* enabled the editors to include muster-rolls, sheriff-rolls, and royal expenses. This interpretation could not, indeed, be stretched to cover the whole financial system, and the unexplored problems of the ways and means of Henry's reign will still require patient research among records before they can be elucidated.

Accidental omissions have been comparatively rare; and Stephan Eheses' *Römische Dokumente*, Bourilly and Vaissière's *Ambassades de Jean du Bellay*, and R. B. Merriman's *Life and Letters of Thomas Cromwell* are three of the very few books which add to the contemporary letters and papers calendared in this series. Some unpublished proclamations are also to be found in the earl of Crawford's recently issued calendar, and some documentary evidence has been added in the later reports of the Historical MSS. Commission. Absolute finality is, of course, impossible in any series; but Dr. Gairdner has approached it as nearly as could reasonably be expected, and he has established an editorial standard which cannot fail to raise the level of historical accuracy in England and abroad. His merits may perhaps be best illustrated by a comparison of this series with a foreign collection, the *Lettres de Catherine de Médicis*, which has been simultaneously in the course of publication. Dr. Gairdner gives us not only the date and present locality of every letter he calendars, but tells us the length of the document, the language in which it is written, whether it is in the writer's holograph, in the hand of a clerk, or a later copy, where it has been printed, to whom it is addressed, and whether it is endorsed; and erasures and interlineations are carefully noted. The editors of Catherine's letters, on the other hand, leave us to infer from her execrable spelling whether the letters were written by her or by a secretary; no account is taken of erasures and interlineations, and no information is vouchsafed as to whether the document is a rough draft or a finished dispatch.

The magnitude of the work is inadequately expressed in the statement that it comprises twenty-one portly and closely printed volumes; for one volume (iv) runs to over four thousand pages, and most of the volumes are divided into two or more parts, each sufficiently substantial. The total number of entries calendared comes to more than fifty-one thousand; but even this figure is no guide to the actual number of documents summarized. In volume xviii, for instance, the hundreds of documents relating to the 'plot of the prebendaries' against Cranmer, the précis of which occupies ninety printed pages, are classed under one numeral

(pt. ii, no. 546) ; and the detailed grants of each month, generally running into three figures, the lists of signed bills, the accounts of the Court of Augmentations and of privy purse and other expenses are similarly treated. If each single letter and paper were separately enumerated the total would amount to more than a hundred thousand. The fact that an attempt has been made to index and identify all the names of persons and places contained in this vast collection may give some faint indication of the gigantic amount of labour devoted to the task ; and the index to the last volume alone extends over seven hundred and thirty-six columns. The British Treasury is not over-liberal in its encouragement of scholarship, but at least it deserves some credit for having made provision for labours such as these.

The editorial prefaces to these volumes have, however, suffered from a zeal for economy. Brewer, perhaps, overstepped the limits of discretion when he wrote an introduction some six hundred pages in length to volume iv, the last he was to edit. But the restriction to fifty pages imposed upon Dr. Gairdner, when he succeeded Brewer on the latter's death in 1879, severely hampered his attempts to elucidate difficult problems raised by the documents he was printing ; and nearly every preface from volume v to volume xxi contains some expression of regret at being prevented by lack of space from dealing with important questions. It was obviously impossible within these limits to re-write the history of the reign from the exhaustive materials first brought to light in these pages ; and no attempt has yet been made to work them into an adequate presentation of the period. Nor is the task rendered an easy one by the vast bulk of evidence now provided ; many witnesses do not necessarily simplify a case at law, and the process of partisan selection, by which any view may be made plausible, has been rendered almost fatally easy. And the historical interpretation of these records needs not only a singular detachment of mind from preconceived theories or dogmas, but also intuition and artistic sense. Dr. Gairdner has performed the scientific part of the historian's duty by collecting and analysing the materials, but the artistic synthesis still remains to be achieved. These letters and papers are the ore from which history must be extracted by the skilled artificer. Even those statesmen and politicians who never tell anything but the truth are seldom in a position to tell the whole truth about their own or other people's action ; their most important discussions are verbal, and their most weighty decisions are mere understandings. History, even when based upon all the extant materials, is bound to be largely a matter of surmise and deduction ; and these letters and papers, bulky though they are, are only a fragment of what was written.

In the concluding volume, which is immediately before us for review, we can only therefore pick up a few hints here and there, and work them into a hypothesis for the history of one aspect of the last year of Henry's reign. By January 1546 leading men must have begun to be exercised in mind as to what would be the complexion, and particularly the religious complexion, of the next government. Bishop Gardiner, who was the brain of the conservative party, was then on an embassy to Charles V in the Netherlands, and it would appear that he had other conversations with the emperor and his ministers than those he recorded in his dispatches. Some five years earlier Granvelle had apparently discussed with him the possibility of a reconciliation with the papacy; and accusations of complicity in this manœuvre were brought against Norfolk in December 1546,² and against Gardiner himself in 1550-1.³ Granvelle and Gardiner were of much the same mind in politics and in religion, and they agreed that the negotiations between Henry VIII and the emperor would be hampered by any fresh religious changes in England. To Gardiner's representations Cranmer afterwards attributed Henry's revocation of his orders for the suppression of 'some superstitious enormities in the church'.⁴ But Gardiner wanted security against future change, and it is possible that it was a hint from him which led the pope to dispatch an envoy from Rome in the spring of 1546 with an offer to satisfy Henry in all other matters if only the king would recognize the papal supremacy.⁵

It was, however, obviously advisable, in the interests of reconciliation with Rome, that England should give guarantees of its catholicism; and Gardiner's return, coinciding as it did with the dispatch of Hertford and Lisle to France, was followed by the last of the spasmodic efforts to enforce the Act of Six Articles. The recantation of Dr. Crome and the sufferings of Anne Askew are the best known incidents in a movement which receives fresh illustration in this volume. On 14 May Charles V's ambassador wrote that the council was busy against those suspected of forbidden opinions, 'which is a sign that the bishops and churchmen are in more favour.'⁶ On the 15th Bonner sent a letter to the king, which has not previously been published, reporting that he and his fellow commissioners in Essex had condemned five heretics, but had ordered the sheriff to delay execution until Henry's pleasure was known. Next day the council, Cranmer, Hertford, and Lisle being absent, directed that two of the convicts should be respited, but that the other three, including one woman, should

² *Letters and Papers*, xxi, pt. ii, no. 554.

³ Foxe, *Acts and Monuments*, ed. Townsend, vi. 165-8.

⁴ *Ibid.* v. 563; Cranmer's *Works*, ii. 414.

⁵ Pt. i, nos. 1215, 1309, 1398, 1407, 1412; pt. ii, nos. 167, 192, 194, 223.

⁶ Pt. i, no. 825.

be executed.⁷ The proceedings against Anne Askew followed in June, but others who were arrested escaped the extreme penalty of the law, and some were pardoned. Sixty fled to Bremen and twenty-five, some with their wives and families, arrived at Hamburg and Lübeck. Henry's agent Dymock reported to the council the unfavourable impression produced in Germany, though he dared not commit to writing the opprobrious words he heard used of the bishops, and of Bonner in particular.⁸ A letter had also been drafted from the council to the regent of the Netherlands requesting the expulsion of the English fugitives, but it does not appear to have been sent.⁹

The leading spirits in this activity were Gardiner, Wriothesley, St. John, Rich, and Bonner, though Gardiner rejoiced at the suppression of chantries, and his henchman, Thirlby, at the murder of Cardinal Beaton;¹⁰ and they took advantage of the absence of Hertford, Lisle, and Paget, who in May, June, and July were in France settling the terms of peace with Francis I. Their return at once checked the persecution; in September, Van der Delft, Charles V's ambassador, regretted that while the examination of heretics continued the results were not so satisfactory as before.¹¹ He also regretted the advance of Hertford and Lisle in Henry's favour, and attributed to them the less friendly attitude now adopted by the English government towards the emperor. Charles V's friends, Wriothesley, Gardiner, and St. John, were lamenting the mutability of affairs: a favourable answer, in which they took no part, had been given to Dr. Bruno, the emissary of the Schmalkaldic League; the papal envoy, Bertano, had been dismissed; and so far from Francis I reconciling Henry with the papacy, a scheme had been discussed for weaning France from Catholicism. The curious story,¹² which Cranmer's secretary, Morice, relates on the archbishop's authority, that on the occasion of D'Annebaut's visit to England, 23-28 August, to ratify the peace with France, Henry requested Cranmer to 'pen a form' for the alteration of the mass into a communion service to be submitted to Francis I, receives some circumstantial corroboration in these pages. Madame d'Étampes was reported to be inclining towards Lutheranism, and Cardinal du Bellay was 'earnest for the Gospel' and an Anglo-French-Protestant alliance.¹³ But Paget poured cold water on the scheme; he appears to have regarded French Protestantism as merely a pretence to beguile the English into a reconsideration of the question of Boulogne; and in spite of the emperor's league with Rome and war upon the German Protestants, the secular

⁷ Pt. i, nos. 836, 845.

⁸ *Ibid.* nos. 1331, 1438-9, 1491.

⁹ *Ibid.* nos. 74, 1070.

¹² Foxe, *Acts and Monuments*, v. 563-4.

¹³ *Letters and Papers*, xxi. ii, nos. 248, 406, 457.

⁸ *Ibid.* no. 1098.

¹¹ Pt. ii, nos. 14, 84.

interests of England were still bound up with Anglo-Imperial friendship. Even so staunch a Protestant as Stephen Vaughan dreaded a Protestant victory in Germany ; ¹⁴ there were rumours that France intended to use the probable dissensions of Henry VIII's executors in order to recover Boulogne ; and it was certain that an alliance with France would break down under the strain of the attack on Scotland which Henry was preparing to renew. Henry's policy, according to Van der Delft, was to make peace between Charles V and the Lutherans, and then inveigle the emperor into war with France in order that he might himself have a free hand in Scotland.¹⁵

Meanwhile, the struggle of parties in the council was violent and severe. At the end of October Lisle was banished from court for a month for having struck Gardiner at the council-board, and Gardiner himself was in disgrace.¹⁶ Surrey's violence was, however, more fatal to the conservatives than Lisle's to the reformers, though his and his father's ruin was but indirectly connected with the religious question. The heraldic charge on which they were condemned merely served as a legal justification for the removal of a political danger ; but the conservatives also had tried to use the Act of Six Articles as a means of destroying their political rivals. George Blagge's arrest on a charge of heresy was no doubt connected with his dispute with Surrey over the earl's heraldic pretensions, and the pointed questions addressed to Anne Askew about her friends at court were inspired by other motives than zeal for the Catholic faith. With regard to the fall of the Howards, however, this volume only adds corroborative details ¹⁷ to the account given by Mr. Fisher in the *Political History of England*. It also tends to confirm stories in Foxe, about which S. R. Maitland was ingeniously but unduly sceptical. Blagge's adventure is a case in point ; Gardiner's disgrace and Cranmer's report of Henry's intentions about religious reform are others ; and the reference to rumours about a new queen ¹⁸ implies at least a substratum of truth in Foxe's account of the intrigue against Catherine Parr.

On one point Dr. Gairdner comes to a conclusion at variance with the view taken by earlier experts at the Record Office. He holds that the original of Henry VIII's will was signed with the king's stamp, while previous authorities have maintained that the irregularity of the two signatures at the beginning and at the end of the will was fatal to this theory. This objection is removed by the instructions here printed,¹⁹ which regulated the use of the king's stamp : the stamp was a 'dry stamp', the impression was

¹⁴ *Ibid.* pt. i, no. 1420.

¹⁶ *Ibid.* nos. 347, 487-8, 493.

¹⁸ *Ibid.* pt. i, no. 346.

¹⁵ *Ibid.* pt. ii, no. 546.

¹⁷ See especially pt. ii, no. 555.

¹⁹ *Ibid.* pt. i, no. 1537 [4].

to be made 'without any blackening', and one of the clerks of the signet was then to blacken over the impression made by the stamp; finally, the king was to sign with his own hand monthly schedules of the documents signed with the stamp. These facts do not preclude the theory that in this particular instance Henry wrote over the stamped signatures to his will in order to comply with the provisions of the Act requiring his will to be signed with his own hand; and Clerc tells us that after the signature the king with his own hand and in the presence of several witnesses delivered the will to the earl of Hertford.²⁰ There is, moreover, what Dr. Gairdner describes as a contemporary copy of the will 'with the king's signature at the top and at the end' in Stowe MS. 576, f. 10. He does not tell us whether this signature is also a stamped one, nor whether this 'copy' bears any trace of ever having been sealed. In any case the controversy is narrowed down to a very technical legal point; and there can be little serious doubt that the will as we know it was drawn up with Henry's full knowledge and consent, and that it was not a forgery palmed off on the nation by self-constituted executors. Lingard's assertion that Henry refused to sign the will is incompatible with Clerc's statements on which Lingard relies for his contention that it was technically invalid; and his deduction that Henry persisted in his refusal until his death, which is based upon the fact that the will appears last but one in Clerc's schedule, is manifestly erroneous, because the list is not, as Lingard assumed, in chronological order: the first document is dated 20 January, the seventh 8 January, the eleventh 7 January, the thirteenth 15 January, the fourteenth 10 January, the fifteenth 7 January, and so on.

Two references in this volume also suggest that Mr. Fisher's caution²¹ against accepting as genuine the speeches in Lord Herbert of Cherbury's *Life and Reign of Henry VIII* need not apply to those speeches which Herbert borrowed from the chronicler Hall. Henry VIII's famous address at the close of the parliament of 1545 is one of these; and it is probable that Hall, whose chronicle was published within three years of the delivery of the speech, used one of the various copies which were made at the time. Petre sent to Paget a long summary of the speech on the day on which it was delivered.²² On 7 February 1546 Burckhardt wrote²³ from Frankfurt that 'the king's speech lately made in parliament had been sent thither', and Gardiner on 2 January thanks²⁴ Paget for his news, 'especially of the king's

²⁰ *Ibid.* pt. ii, nos. 634, 770 [85].

²¹ See this Review, vol. xx, p. 498.

²² *Letters and Papers*, vol. xx, pt. ii, no. 1030.

²³ *Ibid.*, vol. xxi, pt. i, p. 88; in the index there is a cross-reference 'Burgartus. See Burkhard', but there is no entry 'Burkhard', and the letter is indexed under 'Burckhardt, John'; his christian name was really Franz, and the letter is signed 'Franciscus'.

²⁴ *Ibid.* p. 6.

oration to the Commons'. Hall was not a literary historian, and was not, therefore, subject to Herbert's temptations, though even Herbert hardly pretends to give verbatim reports of speeches; he probably thought that he was quite justified in following the example of classical historians.

While it has not been found possible to adopt a suggestion made in this Review,²⁵ that the contemporary unpublished maps and drawings in the Cotton collection and elsewhere should be reproduced, we are glad to find an appendix giving a list and detailed description of these documents. We also learn with satisfaction that Dr. Gairdner and Mr. Brodie are engaged upon a new edition of the first volume of these *Letters and Papers*; and we hope that this revision will extend at any rate to the second volume. For one thing, both these volumes have long been out of print and copies command prohibitive prices; for another, there is a more clearly marked difference in the scale on which documents are calendared between the second and third volumes than between any other two. And we cannot conclude our notices of this series without once more expressing the hope that a new edition of the state papers from 1547 to 1580 may be undertaken some day. Lemon's first volume of the *Domestic Calendar* stands more in need of revision and amplification than Brewer's first volume of the *Letters and Papers*, and the collections in the British Museum subsequent to 1547 have hardly yet been touched. Stevenson, indeed, began tentatively to include some documents from this source in his *Foreign Calendar* for Elizabeth's reign; but objection was taken in various quarters, and from 1560 onwards the editor was, with the approval of the *Quarterly Review*,²⁶ strictly limited to documents in the Record Office.

A. F. POLLARD.

²⁵ Vol. xxiii, p. 358.

²⁶ Vol. cxvi, pp. 355-6.

Two Governors of Shrewsbury during the Great Civil War and the Interregnum

WHEN the great civil war first broke out royalist prospects in Shropshire seemed encouraging. An unpublished letter sent to the Grand Committee of Accounts for the Kingdom in January 1646 expresses the surprise of the parliamentarians themselves at the fortune which attended their arms in that district.

According to your request we have herewith by the post sent up the copy of Captain Farrington's account. The original we intend to send on Monday next by a friend's conveyance, for fear one should miscarry. You may please to return one of them to us again. If it be not so perfect as you expect and we desire, first we beseech you look upon this county as miraculously preserved, having but one small garrison of Wem when there was near thirty garrisons in this county against them, and many parties from other counties that came to oppose them. How can it be expected they could act things to bring in their accounts in a right method, having much to do to keep their throats from being cut, and not being rightly instructed for a form of accounts, but glad to catch what they could from near the gates of their enemies? We leave the esteem of the commanders-in-chief and soldiery of this county to your honours to judge of, and doubt not but it will plead an excuse in the defects of their accounts, which we hope upon examination will not be found many.¹

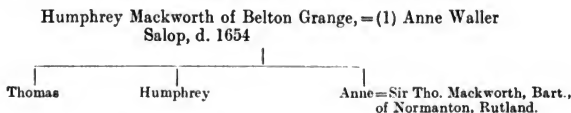
Even when allowance has been made for an exaggeration of military glory, to cover arithmetical defects, there is no doubt that parliament might well be proud of the way the tables had been turned. At the outset all the chief towns—Wem, Oswestry, Shrewsbury, Bridgnorth, and Ludlow—were held for the king. One by one, from the capture of Wem, in September 1643, to the surrender of Ludlow, in May 1646, all these fell into the parliament's hands. Most of them were dismantled and deserted, but it was decided to keep up garrisons at Ludlow and Shrewsbury.

It was of some importance, then, to choose the right man to be governor of Shrewsbury. Between June 1646 and a date unknown in 1659 that office was held in succession by a father and son, each named Humphrey Mackworth. The pedigree of the family is to be found in Blore's *History of Rutland*² and

¹ Commonwealth Papers, Exchequer, no. 242.

² P. 129.

Lipscomb's *History of Buckingham*,³ but the two governors as individuals have not received much attention. The *Dictionary of National Biography*, in an article primarily devoted to yet a third Humphrey Mackworth (1657-1727), sketches the main events in the life of his grandfather, the elder of the two already mentioned, but says nothing of the younger, his uncle, and by the use of 'the elder' and 'the younger' Humphrey for grandfather and grandson rather tends to obscure the uncle's existence'.⁴ Gardiner⁵ mentions both, but gives no details concerning the younger, and indexes the elder in his first volume as Thomas and in his third as Humphrey. In neither of these works did the general scheme allow space for or necessitate treatment of the son, less active and important than his father. It is, however, more serious that the standard *History of Shrewsbury*⁶ should ignore the son's governorship and state that the father 'seems to have been succeeded in office by Thomas Hunt, Esq.' The *Calendars of Domestic State Papers* are full of references to both, as well as to Thomas Mackworth, the eldest son of the first governor, elder brother of the second, and to Sir Thomas Mackworth of Normanton, in Rutland, son-in-law of one and brother-in-law of the other.⁷ The following table shows the relationships :



The earliest mention I have found of the elder Humphrey occurs in a mutilated letter dated 7 December 1643, printed in the *Calendar of State Papers* for 1641-3.⁸ The place from which the

³ iv. 378.

⁴ xxxv. 187-8; or xii. 631-2 (ed. 1909).

⁵ *Commonwealth and Protectorate*, i. 437, iii. 6.

⁶ Owen and Blakeway, i. 471.

⁷ It is not surprising that under the circumstances the indexers have found the difficulties almost insurmountable. Thus the index for the volume covering the years 1645-7 shows two references to 'Colonel Humphrey Mackworth, governor of Shrewsbury'; that for 1651 twenty-one references to 'Colonel Thomas Mackworth, governor of Shrewsbury'; while in 1654 more than a hundred entries are said to concern an apocryphal 'Colonel George Mackworth, member of council'. All these last refer in reality to the elder Humphrey, who was a member of the Protector's council from February 1654 till his death (*Cal. of State Papers, Dom.*, 1653-4, p. 382). The problem for 1651 is more difficult, for in April 1650 a regiment of foot had been raised in Shropshire under the command of Thomas Mackworth, presumably Colonel Humphrey's eldest son, with the rank of colonel (*Dom. State Papers, Interregnum*, i. 119, p. 71; *Cal. of State Papers, Dom.*, 1850, pp. 131, 505). However, it seems certain that besides the two references (*ibid.* 1651, pp. 192, 266) already ascribed to Humphrey there should be added fourteen more (pp. 100, 129, 194, 196, 302, 373, 374, 382, 421, 422, 443, 447, 452, 457). In the remaining six cases (pp. 379, 394, 415, 439, 469, 501) it seems uncertain which was intended. These three volumes are chosen as instances of index confusions merely because the years 1646, 1651, and 1654 were of special importance in the career of the elder Humphrey.

⁸ P. 503.

letter is written does not appear, but the writer states, 'The chief men with us of the committee are Colonel Mitton, Mr. Mackworth, Mr. Lloyd, and Mr. Hunt.' All four are Shropshire names, and three of them—Humphrey Mackworth, Andrew Lloyd, and Thomas Hunt—appear as signatories to letters written in April and July 1645 from 'the committee of the county of Salop'. These are preserved in a bundle of Shropshire correspondence in the Public Record Office.⁹ Shropshire was associated with the counties of Worcester, Stafford, and Warwick, and the cities of Coventry and Lichfield, and in June 1643 Basil, earl of Denbigh, was appointed commander-in-chief for the parliament in the associated counties. He did not, however, begin active operations at once, and meanwhile the condition of Shropshire, from the parliamentary point of view, was growing desperate. Late in the year Wem was captured; soon afterwards the garrison, under Colonel Mytton, succeeded in beating off Lord Capel, and on that occasion 'Master Mackworth' was present.¹⁰ Still the garrison was unrelieved and 'exposed to a powerful enemy'. When in January 1644 Irish troops came over to Charles's help, the prospect looked even more gloomy, and in March Mackworth wrote from Coventry lamenting the 'bleeding condition' of Shropshire, and suggesting that unless Lord Denbigh was likely soon to come to the rescue its forces should retreat to Nantwich or Stafford.¹¹ He seems to have remained at Coventry for some months, for at the committee of both kingdoms on 11 September it was decided to inform him 'that in respect of the service of the country' (i. e. county) he should not come away for the business of the stewardship.¹² Six days later a letter was dispatched: 'The importance of your presence in those parts is such that we desire your stay in Shropshire, notwithstanding your stewardship at Coventry or your attendance upon it.'¹³

Meanwhile, in June, Lord Denbigh took Oswestry and otherwise distinguished himself. But the delay had irritated the local committees. 'For twelve months they have been fed only with fair promises,' wrote the committee at Wem in July.¹⁴ A violent quarrel broke out, and both sides flung accusations, in considering which it is necessary to make much allowance for the troubled state of the time and the general heated feeling. Mackworth was one of the most obnoxious members of the committee in the earl's eyes.

Upon a letter being written by the committee of Coventry to the house of commons touching some miscarriage in his lordship and his officers, he

⁹ Commonwealth Papers, Exchequer, no. 242.

¹⁰ Phillips, *The Civil War in Wales and the Marches*, ii. 122, document xxxix.

¹¹ *Hist. Manuscripts Comm. Rep.* iv, App. i, p. 265.

¹² *Cal. of State Papers, Dom.*, 1644-5, p. 493.

¹³ *Ibid.* p. 514.

¹⁴ *Hist. Manuscripts Comm. Rep.* vi, App. i, p. 19.

came to the committee and said they were neither gentlemen nor honest men that had subscribed it. He told Mr. Mackworth, one of the committee, that he was a liar and a rascal, and that he would cudgel him, simply because Mackworth said he had heard that 200 of his horse faced about when charged by only thirty of the enemy's. . . . He also threatened to run Mackworth through with his sword, and said, if he could not have justice from the parliament according to his mind, he would have him cudgelled to death by others, as it was below him to do it himself.

It was also stated that the earl vowed

he would never come to Shropshire unless some of that committee were removed, particularly Mr. Mackworth.¹⁵

Mackworth had apparently suspected the earl of disaffection, after which it was not surprising that relations became strained. A committee of the lords on 8 November accepted Denbigh's vindication of his own conduct,¹⁶ but the commons next day voted that he should not be sent back to his command.¹⁷

In February 1645 Shrewsbury was captured for the parliament. On 2 April the Shropshire committee, by virtue of an ordinance of parliament authorizing them to raise forces and appoint officers, made William King captain of a company of foot soldiers, 'consisting of one hundred and fifty to be raised as volunteers, to serve in Colonel Humphrey Mackworth his regiment.'¹⁸ In October 1645 there is a puzzling letter sent from Shrewsbury by William Crown, making Lord Denbigh a present of two boxes of Shrewsbury cakes 'from his sister Mackworth'. The natural inference is that Crown's sister was Mackworth's wife, especially as the younger Humphrey, writing in 1655, refers to Crown as 'my uncle'.¹⁹ If so, however, Mackworth was married three times. His first wife was Anne Waller, the mother of his two sons; his second was a Venables of Cheshire.

On 20 May 1646 Mackworth was present at the taking of Ludlow, the last to yield of the royalist strongholds in Shropshire. On 2 June his letter, enclosing the articles of surrender, was read to the commons, who forthwith recommended his appointment as governor of Shrewsbury.²⁰ This was confirmed by the lords on the 6th²¹ and renewed on 28 March 1647.²² The position became specially important when the committee of both kingdoms decided to disgarrison Oswestry and continue garrisons at Shrewsbury and Ludlow only.²³

Mackworth's difficulties as governor were probably not very different in kind or in degree from those experienced by many of

¹⁵ *Cal. of State Papers, Dom.*, 1649-50, pp. 444-5.

¹⁶ *Lords' Journals*, vi. 652, vii. 51.

¹⁸ *Commonwealth Papers*, Exchequer, no. 242.

²⁰ *Commons' Journals*, iv. 561.

²¹ *Ibid.* p. 565.

²³ *Cal. of State Papers, Dom.*, 1645-7, p. 470.

¹⁷ *Old Parl. Hist.* xiii. 331.

¹⁹ *Thurloe Papers*, iii. 208.

²² *Ibid.* v. 122.

his colleagues in similar posts, of which perhaps the best known example is Colonel Hutchinson. Finance was a constant worry. There was an under-current of royalist feeling. There was the usual rivalry and factiousness among the subordinate officers, appealing against each other to the central authority over the head of their governor. Thus in January 1648 Mackworth wrote to Sir Thomas Fairfax, enclosing a commission in which he was ordered to examine witnesses against his captain-lieutenant, John Downs—

No charge at all came to my hands, and no information has been given in against him, in so much that I know not what to examine or how to proceed in this business. The commission first came to the hands of Ensign Hill, who out of sinister ends to procure my captain-lieutenant's place has been the only informer. He well knew that I had fully and impartially examined into the business rumoured to be the charge, and had found that it was at least a mistake of some idle soldiers, if not a combination of his own to out his superior officer; yet, being of a restless spirit, he has, I believe, procured this commission, the above-mentioned passages being unknown to your excellency, and has given out speeches that he will out my captain-lieutenant or lose his own command. He is of so mutinous a disposition that he ought formerly to have been tried for his life on the occasion of a high mutiny caused by him here.

The close of the letter throws a clear light on Mackworth's attitude in the quarrel between parliament and army.

I hope you will not give credit to any information against my captain-lieutenant, who has ever born himself blameless and has been an officer under my command since the beginning of the late wars, and in these late times of danger he was the only man I trusted with my secrets, and I did employ him to beget a right understanding amongst my officers and soldiers concerning your excellency's and the army's proceedings, which accordingly he effected, and was the only man next myself threatened for his affection to your proceedings.

The letter ends with a request that in any case Ensign Hill shall not be joined with Mackworth to judge Downs, 'he being exceeding despicable both for condition and quality, a barber and of scandalous conversation.'²⁴

For awhile the situation continued uneventful. Mackworth was added in 1650 to the committee for the assessment for the army in Shropshire, and in May 1651 was one of the commissioners appointed to try prisoners at Chester.²⁵ But three months later came a crisis. Charles II and the Scots invaded England, and the counties on the line of march had to bestir themselves. Ten new companies of 100 each were raised in Lancashire, Cheshire, and Shropshire, at the beginning of August.²⁶ 'Colonel Mackworth'

²⁴ *Cal. of State Papers, Dom.*, 1648-9, p. 11.

²⁵ *Ibid.* 1651, pp. 192, 194, and *passim*.

²⁶ *Ibid.* p. 302.

raised one of these, disbanded on 20 October following. Although in the original order no Christian name is mentioned, yet it is clear that the colonel in question was Humphrey and not his son Thomas, since the petitions sent up in December following for the company's arrears of pay came from 'the governor of Shrewsbury'.²⁷ When Charles reached Tong Norton on 20 August he sent to demand the surrender of Shrewsbury town and castle. Mackworth's reply is famous:

I resolve to be found unremoveable the faithful servant of the commonwealth of England, and if you believe me to be a gentleman you may believe I will be faithful to my trust.²⁸

On the 23rd Mackworth sent up both the king's letter and his own to the house of commons. A resolution was passed on the 27th when they had been read,

That notice be taken by the parliament of the great fidelity and courage of Colonel Mackworth upon the summons and letter sent to him for surrendering the garrison and castle of Shrewsbury, and that a letter be written taking notice of the good acceptance of the parliament of his fidelity and returning the thanks of the parliament for the same.²⁹

In addition he was to be presented with a chain of gold and a medal worth £100.³⁰ By June 1652 these were finished and ready for delivery.³¹ In September 1651 Mackworth took part in the court martial on the earl of Derby at Chester,³² and in October sent an account of the proceedings to the commons,³³ from which it has been conjectured that he acted as president.

In December 1653 a petition was referred to 'Colonel Mackworth, recorder of Bridgnorth'.³⁴ I have found no other proof that he held this office, though Le Neve³⁵ describes him as 'recorder of Bridgwater' in the midst of a notice full of inaccuracies. On 2 February 1654 he was made a member of the Protector's council,³⁶ and on the 7th took his oath and his seat.³⁷ He was assigned a house in the Mews³⁸ which Colonel Hewson had previously occupied, and which Skippon took after Mackworth's death.³⁹ His last appearance in the council was on 5 December,⁴⁰ and in the intervening months out of 176 possible attendances he was actually present on 159 occasions. He served on numerous committees, dealing with the most varied business, military, financial, legal,

²⁷ *Cal. of State Papers, Dom.*, 1651-2, pp. 52, 56-7, 79.

²⁸ Owen and Blakeway, *Hist. of Shrewsbury*, i. 468. ²⁹ *Commons' Journals*, vii. 6, 7.

³⁰ *Ibid.*; *Cal. of State Papers, Dom.*, 1651, pp. 373, 374.

³¹ *Ibid.* 1651-2, pp. 273, 352.

³² *Ibid.* 1651, p. 422.

³³ *Commons' Journals*, vii. 25.

³⁴ *Cal. of State Papers, Dom.*, 1653-4, p. 281.

³⁵ *Knights* (Harl. Soc. viii), 309.

³⁶ *Cal. of State Papers, Dom.*, 1653-4, p. 382.

³⁷ *Ibid.* p. 391.

³⁸ *Ibid.* 1654, p. 17.

³⁹ *Ibid.* 1655, p. 76.

⁴⁰ Table of Attendances, *Cal. of State Papers, Dom.*, 1654, p. 43.

and even literary, or more accurately censorial.⁴¹ When in September Cromwell met the first Protectorate parliament Mackworth was returned as one of the four members allotted to Shropshire under the redistribution scheme set up by the Instrument of Government.⁴² In the next three months he served on ten parliamentary committees of various kinds. One presented to the Protector a declaration for a day of fasting and humiliation;⁴³ another was to look into abuses in printing;⁴⁴ a third was to find 'what the present forces of this commonwealth by sea and land now are, and what are fit to be continued and what abated'.⁴⁵ He served on committees to examine the affairs of Ireland and Scotland,⁴⁶ and, in short, was absorbed in business.⁴⁷ When in December he died, his services earned him the honour of a state funeral,⁴⁸ and burial in Henry VII's chapel.⁴⁹ Mrs. Mackworth was allowed £300 for the funeral expenses,⁵⁰ but had to leave the London house, and, since her husband died intestate, was in some distress. 'My father served in civil and military offices all through the wars to his death' wrote his daughter Anne on 27 May 1658, 'and died three years ago intestate, without providing for me, on which you have several times promised to settle something on me. I implore you to order your good intentions to be executed.'⁵¹ This was 'especially commended' to the privy council, and a committee was appointed to consult with the younger Humphrey as to what should be done. On 21 December in the same year a pension of £160 a year for life was settled upon the widow.⁵² At the Restoration, though Mackworth's name does not appear in the act of attainder of 1660, yet he was certainly attainted, for in 1662 Charles II was petitioned with regard to an adventure in Ireland of £1,700, 'forfeited by the attainder of Humphrey Mackworth for the murder of the late king.'⁵³ His remains were disinterred on 12 September 1660 and flung into a pit in St. Margaret's churchyard.⁵⁴

The younger Humphrey was the second son of the elder by his first marriage, with Anne Waller.⁵⁵ Although in some ways his career was similar to his father's it ran on narrower lines, partly because the times gave less opportunity for distinction, partly, perhaps, because he had less ability if equal loyalty. His work was local rather than national. From 1652 to 28 April 1660 he

⁴¹ Table of Attendances, *Cal. of State Papers, Dom.*, 1653-4, p. 414. For examples of the matters in which he was employed cf. *ibid.* pp. 398, 404, 411, 422, and 1654, *passim*.

⁴² Willis, *Not. Parl.* iii. 264.

⁴³ *Commons' Journals*, vii. 368.

⁴⁴ *Ibid.* p. 369.

⁴⁵ *Ibid.* p. 370.

⁴⁶ *Ibid.* p. 371.

⁴⁷ Cf. *ibid.* pp. 366, 368, 373, 374, 380, 381.

⁴⁸ *Mercurius Politicus*, 26 December 1654.

⁴⁹ Chester, *Westminster Abbey Registers*, p. 148.

⁵⁰ *Cal. of State Papers, Dom.*, 1656-7, p. 313.

⁵¹ *Ibid.* 1658-9, p. 35.

⁵² *Ibid.* p. 224; *Clarke Papers*, iv. 171.

⁵³ *Cal. of State Papers, Dom.*, 1661-2, p. 262.

⁵⁴ *Dict. of Nat. Biogr.* xxxv. 187.

⁵⁵ Blore, *Hist. of Rutland*, p. 129.

was town clerk of Shrewsbury,⁵⁶ and he may also have been recorder for the town.⁵⁷ He sat as member for Shrewsbury in the parliaments of 1654, 1656, and 1659,⁵⁸ but apparently played no great part. His most important work was to carry on his father's task as governor of Shrewsbury, and it so happened that the first year of his office, 1655, saw the outbreak of a serious royalist conspiracy. 'However feeble and abortive the actual attempts at insurrection in March 1655 were, the conspiracy from which they sprang was real, general, and dangerous.'⁵⁹ The revolt in Shropshire was to break out simultaneously from two centres. On the appointed day, 8 March, a 'small army of cavaliers' was to cross the border from near Oswestry and seize the stronghold of Chirk, while 'a greater party' was to collect in the park of Sir Thomas Harris at Boreatton, near Baschurch, to surprise Shrewsbury town and castle.⁶⁰ This second design Cromwell regarded as particularly dangerous, because of the 'weakness of the garrison and the multitude of malignants thereabouts'.⁶¹ However, by prompt action on the part of Mackworth and Colonel Crown, Harris and his friends were seized on the morning of the day fixed and the preparations came to nothing.

The details of the conspiracy are well known and need not be here discussed. Its importance for the present purpose is merely that it put the governor to a test which he bore as well as his predecessor had borne the more serious crisis of 1651. 'The young governor hath behaved himself very discreetly and faithfully,' wrote Commissary-General Reynolds to Secretary Thurloe on 17 March, 'and will, I hope, receive encouragement in these his hopeful beginnings.'⁶² Abortive as the plot had been, it was thought that a much larger body of sympathizers existed than the few taken at Boreatton. Mackworth laid hands upon a number of suspected persons. 'Many gentlemen of parts and interest in the country, that I can lay nothing to their charge but that they have formerly served the king, I have likewise secured,' he wrote on 10 March, in a letter sent to Colonel Jones, a member of the Protector's council.⁶³ 'Here is only 70 foot and one troop of horse in this garrison—too small a force to keep it and secure the prisoners. All my soldiers and myself have been these three whole nights and days upon constant duty.' A letter was sent to the Protector from William Crown on the same day to much the same effect.

Here is great danger of this place, and your highness' troop did come in but half the last Thursday in the afternoon, and the other party is not come

⁵⁶ Owen and Blakeway, *Hist. of Shrewsbury*, i. 543.

⁵⁷ *Ibid.* i. 538.

⁵⁸ Willis, *Not. Parl.* iii. 265, 277, 291, confirmed by *Commons' Journals*, vii.

⁵⁹ *Engl. Hist. Rev.* iii. 526 (1888).

⁶⁰ *Thurloe Papers*, iii. 207.

⁶¹ *Cal. of State Papers, Dom.*, 1655, p. 259.

⁶² *Thurloe Papers*, iii. 265.

⁶³ *Ibid.* p. 218.

from Derby. We being so weak I sent out for some honest men to come in to me with their horse, so that we are in all [30] horse, with the 20 we took at Sir Thomas' 50, which were sent . . . in parties out constantly. I do employ foot scouts of my . . . [own], who do bring me what I know. But I maintain my friends and scouts upon my own purse, which will not hold out long. And I humbly conceive there is a great fear of insurrections . . . and we must prepare to defend the people here and ourselves. . . . If they come I will sell my life at as dear a rate as I can.⁶⁴

Crown had been sent a commission for a regiment, dated 5 March, but it had not reached him till 7 March. Meanwhile he had had to raise fifty horse and foot of his friends, which cost him £37.⁶⁵ Henceforward Mackworth and the rest were kept busy with the examination of informers and suspected persons, many examples of which are recorded in the third volume of the *Thurloe Papers*. In some cases even torture, according to the victims' account,⁶⁶ failed to extract information, while in others the details given were equally copious and improbable. Some professed complete ignorance, which Commissary-General Reynolds thought suspicious: 'I much suspect those that are incredulous of any plot, being like the Irish, who never believe their enemy dead till his head be off.'⁶⁷ He was of opinion that stringent measures would be wise: 'I judge the removal of combustible matter very necessary when a fire is begun not far off.'⁶⁸ It may have been in consequence of his warnings that on 10 April the Protector ordered Mackworth to disband his company and take another from Worcester, 'that the place may be in better security, for you have many townsmen who cannot be as well relied on for exact duty as strangers.'⁶⁹

Clearly the post of governor of Shrewsbury was no sinecure. Soon after the rule of the major-generals was inaugurated, and on 9 August Colonel James Berry was appointed to a district which included North and South Wales, Herefordshire, and Shropshire.⁷⁰ His letters show that there was still much to be feared. On 5 January 1656 he wrote from Shrewsbury lamenting that 'power and places' had not always been put into trustworthy hands. The 'civil affairs of this county' he found 'much out of order'.

We have imprisoned divers lewd fellows, some for having a hand in the plot, others of dissolute life as persons dangerous to the peace of the nation; among others those papists who went a-hunting when they were sent for by Major Waring. They are desperate persons and divers of them fit to grind sugarcane or plant tobacco, and if some of them were sent into the Indies it would do much good.⁷¹

⁶⁴ *Thurloe Papers*, iii, pp. 215-16.

⁶⁵ *Ibid.* 1665-6, p. 160.

⁶⁶ *Ibid.*

⁷⁰ *Ibid.* p. 275.

⁶⁸ *Cal. of State Papers, Dom.*, 1655, p. 259.

⁶⁷ *Thurloe Papers*, iii, 265.

⁶⁹ *Cal. of State Papers, Dom.*, 1655, p. 255.

⁷¹ *Thurloe Papers*, iv, 393.

Mackworth sat as member for the town of Shrewsbury in Cromwell's parliament of September 1656, though he seems to have played no great part.⁷² If one may judge from the following incident, he had no ambition to shine in public work. In April 1657 Colonel John Bampffield, once a royalist but now a friend of the existing government, was accused of playing his new friends false. Apparently the suspicion was due to a conversation he had with the governor of Shrewsbury, of which his own account was as follows :—

Being with the governor of Shrewsbury 14 days ago, he told me that Hopton had endeavoured to draw him to the royal party, assuring him that Charles Stuart had 17,000 men at the water-side. I answered that when I left France 3 weeks ago he had not 3000, and I advised him not to trust any of that party, who had been unfaithful to each other, and advised him to marry some relation of those in power about his highness, and to take active service if the English engaged in foreign war, as being more honourable than shutting himself up in a garrison; but he said he liked his garrison and should keep it if he could. I advised him to go oftener to court and spend his leisure at Whitehall, and give up some dissolute company he kept.⁷³

Oliver Cromwell's death in September 1658 released elements of disaffection all over the country, and Mackworth was embarrassed by a revival of royalist feeling in Shrewsbury. In October he sent up a petition for the 'garrison and well-affected of Shrewsbury'. John Tench, 'an active and desperate malignant,' who had vowed 'never to cut his hair till Charles Stuart reigned again in England', had returned from banishment and set the town by the ears.⁷⁴ It was a presage of what was to come about in 1660.

It seems impossible to complete the story of the younger Mackworth's life, or even to state exactly at what point he laid down the governorship of Shrewsbury. The printed *Calendars of State Papers* in their indexes treat Major Edmund Waring, Mackworth's successor, as already in office from 22 August 1659 onwards. Owen and Blakeway⁷⁵ were of the same opinion. There is no doubt that at that date Waring was in command of a militia troop in Shrewsbury, but it seems possible that for another month at least Mackworth was still governor. On 27 September he signed a receipt for the sum of £24 19s. 4d., sent to him by a warrant of 31 August.⁷⁶ This was the usual amount due for a month's pay to himself 'as governor' and those under his command in the garrison, 'according to the establishment commencing 15 October 1655.' Similar warrants for various dates are to be found in the

⁷² *Commons' Journals*, vii. 425, 429.

⁷³ *Cal. of State Papers, Dom.*, 1656-7, p. 348; cf. p. 363.

⁷⁴ *Ibid.* 1658-9, p. 166.

⁷⁵ *Hist. of Shrewsbury*, i. 476.

⁷⁶ *Commonwealth Papers, Exchequer*, no. 117.

Commonwealth Exchequer Papers, bundles 113-119. The first warrant making a grant to Major Waring for garrison expenses as apart from the expenses of his troop is dated 24 February 1660. He must have succeeded Mackworth, then, at the end of 1659 or the beginning of 1660. According to Owen and Blake-way⁷⁷ Mackworth held the office of town clerk until 28 April 1660. After the Restoration in May Humphrey Mackworth the younger disappears. I have found neither the date of his death nor the place of his burial.

HILDA JOHNSTONE.

⁷⁷ *History of Shrewsbury*, i. 543.

George I and Peter the Great after the Peace of Nystad

ON the successful conclusion of his war with Sweden, waged with unconquerable persistence during twenty years, Peter the Great stood forth to Europe the lord of a mighty empire, an autocrat whose powers of offence were proved and the limits of whose ambition were unknown. All princes, in the phrase of the French envoy, Jacques de Campredon, now sought his friendship with a species of abasement. France wanted his support against Austria, Austria against France; to Prussia his friendship was as valuable as his neighbourhood was dangerous; in Poland he was stronger than its king; the Sultan he could brave. Sweden and Denmark he held in terror by his new Baltic power and by his calculated patronage¹ of the duke of Holstein-Gottorp, claimant of the crown from the one and of restitution of his share of Sleswick from the other. Only George I among the European sovereigns combined the will with the power to stand out against him.

For two years, after securing his own booty from Sweden, George had done his best to deprive Peter of his conquests and to drive him from the Baltic. He had entirely failed, and now the tables were turned upon him, for he had to fear the return of a Russian army into Germany with hostile intent against Hanover. He had therefore insisted with the Swedes upon his own inclusion in the treaty of Nystad, with the insertion of a clause guaranteeing the quiet of Lower Saxony. They promised this, but proved unable to fulfil the promise, and George found himself only indirectly referred to, and in a manner which he considered contemptuous.² Thereafter he endeavoured to obtain amends, either by alteration of the ratified form of the treaty in accordance with his demands, or by a separate declaration that he was deemed to

¹ Thus Whitworth: 'The Czar invited him first over, to make the King of Sweden more pliable in the peace, in which he has succeeded; and 'tis probable he will keep him still in hand to entertain a faction in that kingdom, and at the same time bring the Danes more easily to his point by this apprehension' (to Townshend, 14 April 1722, British Museum, Add. MS. 37388).

² See the author's *George I and the Northern War*, ch. xxx.

be included in it. The Swedes tendered their best offices for this and for his reconciliation with Peter, but he would no longer entrust his interests to them, preferring recourse to the mediation of his close ally the regent of France.

French policy required a reconciliation between George and Peter for its own ends. Alliance with the latter was desired, if only to prevent him from joining hands with the emperor, a possibility foreshadowed by the work of Paul Yaguzhinsky at Vienna in 1720 and by the recent mission of Count Kinsky to St. Petersburg. But the first necessity in the minds of the regent and of Cardinal Dubois was to maintain the alliance with Great Britain, on which depended success in the solution of the all-important problems of Southern Europe. George I insisting that no treaty should be made between France and Russia to which he were not a party, it became obligatory to bring him to terms with Peter as a first step. The difficulty was by no means new; the enmity of the two had stood in the way when Peter, at Paris in 1717, had pressed for a real alliance with France, offering to be to her in the future all that Sweden had been in the past. It is true that his success in the north was not yet assured, that Charles XII still lived and that the traditional alliances of France with Sweden and Turkey, the enemies of Russia, could not yet safely be abandoned; but the final argument which, in the mouth of Dubois, had prevailed over the general French sentiment and had caused Peter to be put off with the empty treaty of Amsterdam, was that acceptance of his proposals might break the new accord with Great Britain and drive George I to throw in his lot once more with Austria.³

Peter signified his willingness to unite himself with France, his minister at Paris, Baron Schleinitz, advising that an alliance would strengthen the position of France towards Spain and towards the Empire, would assure complete joint control in Poland, and would even render possible, should Charles VI die without an heir, partition of the vast dominions of Austria and dictation in the election of a new emperor.⁴ But though he was willing, he was no longer anxious; anxiety now was on the French side. Peter knew himself strong enough to stand alone, and was indifferent now to foreign alliances. Satisfied of his immunity from attack, he absented himself during the greater part of 1722 on an expedition to the distant Caspian. The things he wanted in the west were few; recognition of his newly assumed imperial title, satisfaction for his client dukes of Holstein-Gottorp and Mecklenburg-Schwerin, restoration to his new subjects of the

³ See on this subject Vandal, *Louis XV et Élisabeth de Russie*, pp. 22-38.

⁴ See the memoir of Schleinitz, 28 September 1721, *Recueil des Instructions données aux Ambassadeurs et Ministres de France*, viii. 247.

privilege of exemption from the Sound tolls formerly enjoyed by them, and matrimonial alliances for his daughters which should exalt the dignity of his house. This last ambition drew him especially towards France, for the bridegroom whom he marked out for his second daughter Elizabeth was Louis XV himself, and when that monarch was betrothed to the little infanta of Spain he turned his eyes on other French princes, and in particular on the regent's only son, the duke of Chartres. A princess of such questionable ancestry on the mother's side was indeed no fit match for the royal family of France, but Peter offered election of the bridegroom to the throne of Poland, which was expected to be soon vacant by the death or abdication of Augustus of Saxony.⁵ The regent was attracted by the prospect, and Peter kept the matter well to the fore in the negotiations which ensued.

Already before the treaty of Nystad was signed Campredon, then at Stockholm, had been ordered to do all he could in support of the king of England's views,⁶ and later it was promised that precisely the same instructions should be sent to him as were given to the British envoy there, William Finch. One proposal put forward was for a quadruple alliance between Russia, Sweden, France, and Great Britain. At Paris the British ministers, Sir Robert Sutton and Sir Luke Schaub, had conference after conference with Dubois and Count Rottembourg, lately French envoy to Prussia, who was called in to consult. He advised that, instead of guaranteeing the security of Lower Saxony, the tsar should confirm the several treaties latterly made by Sweden, whereby, for one thing, he would be precluded from disturbing Denmark in her possession of ducal Sleswick. Dubois wanted Campredon, who was about to return to St. Petersburg, to be accompanied or shortly followed thither by a British minister.⁷

But neither in France nor England was the independence of Peter the Great, the strength of his position and his consciousness of it, yet realized. It was taken for granted that he must wish to strengthen his treaty with Sweden by the guarantees of Great Britain and France, and supposed that he had only refused the desired articles in order that they might be made the price

⁵ As early as January 1722 Schleinitz delivered a proposal for the marriage of a tsarevna, not named, to the duke of Chartres, she to be declared the tsar's successor and he to be helped to the throne of Poland (*Sbornik* of the Imperial Russian Historical Society, xlix. 4). Lord Whitworth at Berlin had heard the rumour of this ('un bruit sourd') a month before (to St. Saphorin, 20 December 1721, British Museum, Add. MS. 37387).

⁶ Dubois to Campredon, 25 August 1721, *Recueil des Instructions*, viii. 233 foll. But at the same time he was informed that, if the tsar's repugnance to the king of England's demands proved invincible, he must yet persevere for an alliance between France, Russia, and Sweden.

⁷ Dispatches of Schaub and Sutton from Paris, 15 October, foll. 1721, Record Office, France 170.

of obtaining those guarantees. This is clearly set forth in the dispatches of Lord Carteret, secretary of state for the southern province, to the British ministers at Paris. In one of them he stated King George's views as follows : ⁸

On the 27th inst^t. I received Your Excellency's dispatch of the 2^d of Novr. N.S. by Du Commun the messenger, and laid it before the King. His Majesty has considered the Cardinal's reasonings as to the difficulties with which he fears the negotiation at Petersburg, concerning the article which is to precede the alliance, may be attended. It must be owned that, were that affair still to be treated by the Suedes, the Czar, after having so happily concluded the peace, might probably be more unwilling to admit that article, than he was when the success of his negotiation remained in suspense. But yet it is very natural to believe, that the Regent will succeed in that affair, and that if the Czar has rejected the article in question, it is not so much out of capriciousness or with an intent never to admit it, as from a prospect that, by putting off the admission of it to another time, he may procure to himself the advantage of being asked to do it by such Powers, as are able to make him sensible, that he wou'd find his interest in it. The Czar's principal view is to strengthen himself in his new acquisitions : and for that end he must have recourse to the guarantees of Great Britain and France, and make all possible advances to obtain them ; without that his power wou'd ever remain precarious and subject to such accidents, as are easily foreseen. It is the Czar's good fortune that there is so perfect an union between the King and the Regent. They have both laboured in concert to restore tranquillity in the north, and as they have entered into the same engagements and guarantees for the maintaining of it, if the Czar would enter with a good grace into the like engagements, he might also obtain from them the like guarantees. This indeed might be the foundation of the alliance which the Cardinal has projected with so much judgement and solidity. But after all, I must still return to the King's resolution, which is, not to make any advances to the Czar. The sending of a minister from the King to Petersburg, either publicly or in private, would as little become his dignity as the confidence His Majesty reposes in the Regent, who is willing to undertake, as of himself, to make the Czar sensible how important His Majesty's friendship is to him. We have had so many proofs of the Regent's friendship and of the Cardinal's zeal, that we do not at all concern our selves to watch in what manner they will carry on this negotiation, neither can it be put into better hands than Mo^r de Campredon's. And we so well know the Czar's skill in finding out what suits his own interest, that we make no question but the Regent will gain great credit with that Prince, by opening to his view a means of perfectly reconciling himself to the King. Tho His Majesty will not explain himself directly to the Czar, yet he wou'd have you tell the Regent that if His

⁸ 31 October (o.s.) 1721, British Museum, Add. MS. 22516. (These volumes, 22215-24, are entry-books and volumes of dispatches missing from the Record Office.) The English text cited was for Sutton's use, and its style suggests translation from the French version supplied to Schaub.

Royal Highness can induce the Czar, previously to any farther negotiation, to sign an act by which all the treaties made with the crown of Sweden since the death of Charles 12th, of which France is guarantee, are confirmed, and His Majesty comprehended in it as King and as Elector, and the Czar engages not to disturb the quiet of the Lower Saxony, in that case the King promises the Regent to give to the Czar in concert with France a reciprocal guarantee of all the advantages, which the Czar has obtained by the treaty of Neustadt. And after such an act shall be ratified by the Czar, His Majesty will no longer make any difficulty of sending a minister to Petersburg, to negotiate jointly with the Regent the projected alliance between Great Britain, France, and the Czar, and Sweden. And as the scope of that alliance is to preserve peace in the north, according to the engagements of Great Britain and France, I am of opinion that the Czar will not oppose it, but rather embrace it with joy, when he sees that instead of thinking how to bring him into trouble, there are rather means contrived to maintain him in the peaceable possession of what his arms have procured him, by extending by that alliance the guarantee, which will have been given him previously in the manner abovementioned. But if contrary to all expectation the Czar refuses an offer, which redounds so much to his benefit, there will then be no doubting any longer, but that his views have quite another tendency, than that of peace.

These are the King's intentions, which His Majesty has directed me to set forth to Your Excellency, that you may be able to represent them exactly to the Regent and the Cardinal. I will only add, that as we are here persuaded of the Cardinal's sincerity, and that the Regent will absolutely refuse the Czar the guaranteeing of the treaty of Newstadt, unless it be upon the conditions abovementioned, so we promise ourselves a good event in that affair. There is nothing can turn more to the Regent's glory, than thus to finish his great work in the north, and to divert the Czar from the recourse he might have had to other ties, than those of Great Britain and France.

In reply to this Sutton and Schaub were able to report that the negotiation would be entrusted to Campredon without the assistance of a British minister, and that everything, Dubois promised, should be done to ensure success. He doubted, however, now, they said, whether the tsar attached sufficient value to the proffered guarantees to induce him to sign the act demanded; rather he might be expected to put forward conditions of his own—for instance, some demand in favour of the duke of Holstein-Gottorp, whose marriage to a tsarevna was known to be strongly advocated by the tsaritsa and by certain of the Russian ministers.⁹

The confidence in the French government which Carteret expressed was not shared by all. Sutton, for instance, was suspicious of private interviews which Prince Kurakin, the

⁹ Sutton and Schaub, 19 and 26 November, Record Office, France 170.

Russian ambassador at the Hague, had had with Dubois when at Paris early in September. The secret 'intelligences with Russia, he wrote, were every day becoming more suspicious, and perhaps it could not be expected that full pressure would be exerted upon a prince whose friendship was so visibly cultivated.¹⁰ Whitworth, again, ambassador at Berlin, was emphatic in his expression of fear of a Franco-Russian alliance and of ulterior designs on the part of France inimical to England.¹¹ And Count Bothmer wrote to him :

Je suis tout à fait de vostre sentiment que la trop grande déférence qu'on montre au Xaar ne fera que le rendre plus fier, et que ce n'est pas pour l'amour de nous que la France s'empresse pour nous réconcilier avec Luy. Je souhaiterois fort que la Cour Impériale vouloit se conduire d'une manière que nous puissions éviter les engagements que la France nous offre de ce costé là, mais si nous faisons des avances là desus à Vienne, on prétendrait nous avoir à discretion.¹²

But we have contrary evidence from an independent source. The Russian ambassador at Paris, Prince Vasily Dolgoruky, ordered after the peace of Nystad to render thanks for the assistance given by France, reported Dubois to say that the tsar ought to have the guarantees of France and Spain for his treaty, but that an alliance with those powers must include the king of England, lest he should be driven to ally himself with the emperor and others.¹³ And we find no utterances of suspicion in the dispatches of Schaub.

The danger apprehended from Russia was not to Great Britain, at least immediately, but towards the Baltic and in Germany. But for the king's Hanoverian interests, the rise of Peter the Great's power might have been regarded with comparative indifference.¹⁴ Peter himself, as will be seen below, declared that he had no quarrel with Great Britain, but only with Hanover. The

¹⁰ Sutton, 26 October and 2 November, *ibid.* And again, 19 November: 'J'ai appris d'un homme de confiance, que M^r le Cardinal a changé de sentiments sur le système du Nord & s'est réuni à ceux du vieux Ministère & de presque toute la Nation Française en faveur des liaisons, qu'ils croient être de leur intérêt de prendre avec le Czar. . . . Les apparences ne favorisent que trop cette opinion, & les intelligences secrètes, qu'on a eues depuis quelque temps avec le Czar, méritent d'autant plus d'être suspectes, qu'on les cache avec soin.'

¹¹ Dispatches, Record Office, Prussia 15, 16; British Museum, Add. MSS. 37386-7.

¹² Bothmer to Whitworth, 24 November (o.s.) 1721, Add. MS. 37387.

¹³ Dolgoruky's report in Solov'ev, *Istoria Rossy*, book xviii, chap. ii.

¹⁴ Whitworth wrote, 'As for the Czar himself, all England has to wish is only a common intercourse of civility and trade. All further engagements are unnecessary and may be dangerous.' If war, he said, should break out in Germany, or between France and Austria, the tsar would side in the former case with the Catholics and in the latter with France. England he thought perfectly secure, especially if an alliance were made with Denmark. One between Russia and Sweden 'would be like Daniel's dream, a toe of clay to an image of brass, which can never consolidate together'. (14 October 1721, Record Office, Prussia 15; British Museum, Add. MS. 37386.)

designs attributed to him were expressed by Lord Townshend, secretary of state for the northern province, as follows :

Sa Majesté n'est point du tout surprise d'apprendre les assurances que le Czar a données à Mo^r Bassewitz et aux autres Ministres de Holstein de sa résolution d'appuyer les intérêts de ce Duc et de les prendre sérieusement à cœur. Non pas qu'on s'imagine icy que le Czar veuille entreprendre quelque chose purement pour l'amour et l'affection qu'il porte à ce Duc, à moins que cela ne s'accorde parfaitement avec les veües qu'il a de se rendre redoutable dans la Mer Baltique. Le Czar se servira toujours du prétexte ou de rétablir le Duc de Holstein, ou d'assister le Duc de Mecklenbourg, lorsque l'occasion se présentera d'étendre sa puissance sur les côtes de cette Mer là. Les prétentions que le premier a sur le Duché de Sleswig ne manqueront pas de luy fournir, toutes les fois qu'il le trouvera à propos, une prise sur le Danemarck, pour obliger ce Royaume à donner les mains à son projet favori de s'affranchir des péages qu'on paye dans le Sund, et d'abaisser en même tems autant qu'il peut les forces maritimes de ce Roy, qui est maintenant la seule puissance dans la Baltique qui semble être encore en quelque état à luy disputer l'Empire dans ces Mers là.

And when he had made himself master of all the Baltic coasts, he would take the part of the duke of Mecklenburg-Schwerin against his nobles in order to possess himself at least of a port in that province, whereby, since it would not be closed by ice so long as were his own ports, he would profit to push his ambitious designs beyond, and particularly on the side of Prussia and Poland, his most sure road to render himself formidable to the empire and all Europe.¹⁵ Similarly wrote Count Bothmer, with special reference to Lower Saxony.¹⁶

Accordingly, George I did his best, in secrecy,¹⁷ to keep alive the flame of jealousy of Peter the Great at the courts believed to be threatened. At Dresden and Copenhagen he found response, for Augustus II saw his authority in Poland daily waning before that of Peter, while to the Danes the latter was almost a declared enemy. They declined with abruptness to recognize his imperial title or to grant the requested exemption from the Sound tolls,¹⁸ and

¹⁵ Townshend to Whitworth, 21 November (o.s.) 1721, secret, British Museum, Add. MS. 37387.

¹⁶ 24 November (o.s.), *ibid.*

¹⁷ Because, as Townshend wrote to James Scott at Dresden—instructing him to do all he could, privately and as of his own initiative, to persuade the Poles from accepting Peter's mediation for their peace with Sweden (as stipulated in the treaty of Nystad), on the ground that he only desired to bring Poland under his complete control—'il est très important au service du Roy, dans la situation présente des affaires, que le Czar n'ait pas le moindre sujet de soupçonner que Sa Majesté fasse quelque chose, qui le puisse irriter davantage contre elle' (21 November (o.s.) 1721, Record Office, Foreign Entry Book 7).

¹⁸ Lord Glenorchy, the British minister, took care to point out that, if the exemption were granted, the same could be claimed for British subjects under the treaty of 1670. Later he reported Frederick IV to say that he would as soon part with his crown as

when, as the winter passed, reports of his naval armaments became alarming, they set themselves to equip their fleet for defence. But at Berlin and Vienna nothing could be done. Prussia, openly in disaccord with Austria and entirely mistrustful of the king of Poland; was inclined to Russia by considerations both of safety and interest. The present relations of Frederick William I with his father-in-law, based on the treaties of 1719 and on the defence of protestant rights in Germany, were good, and he wished to see a reconciliation with Peter the Great,¹⁹ and offered his mediation to that end at St. Petersburg. But on the other hand he instructed his envoy, Baron Mardefeld, to oppose with all his might an alliance between Russia and France, as injurious to the common welfare and designed by France to bridle Germany.²⁰ Whitworth could only report the 'faiblesse' of the court of Prussia towards the tsar: 'Je ne puis pas vous dire, my Lord, jusqu'à quel point on apprehende son ambition personnelle, et le voisinage des Moscovites; mais la conclusion de tous leurs raisonnements jusques ici n'est que de s'y soumettre.'²¹ Yet, he said, 'ils ne se laisseront pas mener par le Czar dans les affaires essentielles.'²²

Still less could anything be done at Vienna, where complaisance towards Russia was as marked as the want of it towards Great Britain, and where the Russian resident Lanchinsky was openly courted, while his British colleague, General de St. Saphorin, could make no progress in any of his various negotiations.²³

with the levying of the tolls (25 November 1721 and 21 March 1722, Record Office, Denmark 45). Solov'ev tells us that he offered in 1722 to recognize the imperial title, if the tsar would guarantee to him ducal Sleswick, or at least send the duke of Holstein-Gottorp out of Russia.

¹⁹ So Whitworth, 8 November 1721, Record Office, Prussia 15. And on 27 December, to Count Bothmer: 'Il est seur, que cette Cour a fort souhaité de ménager un accommodem' entre Sa Majesté et le Czar; le Roy luy même m'en parla à mon arrivée icy; mais voyant du depuis la fierté du Czar, et la fermeté de Sa Majesté, ils n'ont plus touché cette corde' (*ibid.*).

²⁰ Frederick William to Mardefeld, 13 January 1722 and 2 January 1723, *Sborniž*, xv. 198, 213.

²¹ To Townshend, 25 November 1721, Record Office, Prussia 15, *secret*. Townshend replied: 'The power of the Czar has struck such a terrour into the Court where you are, that their fears run away with them, and will not permit them to give the least attention to any advice' (28 November (o.s.), British Museum, Add. MS. 37387).

²² 20 December, Record Office, Prussia 15.

²³ Lanchinsky's reports in Solov'ev. He was assured that the interests of no two powers were more closely allied than those of Russia and Austria, that no umbrage was taken at Russian expansion whether on the side of Persia or of the Baltic, and that the succession of the electoral prince of Saxony in Poland was not favoured. St. Saphorin wrote that Vice-Chancellor Schönborn and the 'Cabal' were impressing upon the emperor that an alliance with the tsar would be 'le vray moyen de pouvoir donner des loix despotiques à l'Empire'. And he cited extravagant reports, to wit, that the tsar would recognize the provinces ceded by Sweden to be dependent on the empire and thereby become a member of it, and would send his grandson Peter (a nephew of the empress) to be educated at Vienna in the Roman faith and to marry

And so no ear was given to proposals from Count Flemming on behalf of the king of Poland for a renewal of the Vienna alliance of 1719, with inclusion of Prussia and the republic of Poland.²⁴ In view of the embittered relations of Prussia with Austria and Saxony and of Austria with Great Britain, and of the state of affairs in Poland, the scheme was obviously impracticable, and Townshend stated definitely that nothing of the kind could be listened to unless positive proposals came from Vienna.²⁵

Campredon reached St. Petersburg at the end of October. He was sent, nominally, at the instance of the king of Sweden, to advance his interests; and he retained his post of envoy to him. His ostensible commission from the regent of France was to negotiate a renewal of the defensive alliance of 1717 and a commercial treaty; his real one, as we have seen, was to promote a reconciliation between the tsar and George I. He was extremely well received, Peter going himself to Cronslot to meet him and showing him extraordinary civility.²⁶ Vice-Chancellor Shafirov was appointed to confer with him on political subjects, and Count Tolstoi, president of the college of commerce, on the commercial treaty;²⁷ and his discussions with the former were carefully kept

the Archduchess Maria: 'ils prétendent par là faire le parole au double mariage entre la France et l'Espagne.' Of Count Kinsky's mission to St. Petersburg, however, he thought little: 'on m'assure que rien n'est plus pitoyable que ce qu'écrirait ce pauvre Imbécile.' And further, the tsar's imperial title was a heavy stumbling-block. (5 and 15 November and 7 December 1721, Record Office, Germany, Empire, 44.) Townshend instructed him: 'On peut voir que quoique le Czar ait traité l'Empereur avec le dernier mépris pendant toute sa négociation avec la Suède; et qu'il s'agit que S.M. Imp^{re} ne peut ignorer que par les acquisitions qu'il a déjà faites il est devenu un Voisin très dangereux à l'Empire et à la Maison d'Autriche, cependant le succès qu'il a eu par le passé lui donne des espérances de pouvoir encore une fois duper la Cour Imp^{re} et se servir encore de l'Empereur pour l'accomplissement des desseins qu'il a maintenant sur le tapis. . . . Le Roy sçait fort bien, que des conseils de sa part n'auroient point d'effet, si ce n'est peut être de précipiter l'Empereur dans les mesures du Vice-Chancelier et d'augmenter l'aigreur qui est déjà entre le Czar et Sa Ma^{te}. Elle veut donc que Vous paroissiez tout à fait indifférent sur le parti que prendra l'Emp. à l'égard du Czar, et que Vous ne témoigniez pas le moindre chagrin par rapport aux négociations qui se pourront faire à Vienne,' &c. (14 November (o.s.) 1721, *ibid.* 42, draft).

²⁴ St. Saphorin proposed this already on 21 October 1721, and Scott at Dresden advocated it warmly. But Whitworth scoffed at it: 'The treaty of Vienna, which M^r. Scot recommends and Count Flemming pushes with all earnestness, as his last shift to keep his Master on the throne and in tolerable credit, will be but a feeble disjointed barrier against the powers of France and Muscovy acting in concert,' and so on (January and February 1722, Record Office, Prussia 16).

²⁵ See his dispatches to Scott of 22 December (o.s.) 1721, and 12 and 30 January (o.s.) 1722, Record Office, Foreign Entry Book 7, in which he inveighed bitterly against the hostility shown by the court of Vienna and its supineness in allowing the tsar to attain his present position. Also to St. Saphorin, 23 March and 26 June (o.s.) 1722, Record Office, Germany, Empire, 42.

²⁶ See Campredon's full accounts in his dispatches of 27 October to 7 November 1721, *Sbornik*, xl. 277 foll. He dates in the new style.

²⁷ A memorial on commerce which Campredon presented (printed *Sbornik*, xl. 418) was really drawn up, he says (383), by the French merchant Lebon.

secret as well from the other Russian ministers, on account of their rivalries and jealousies, as from the representatives of other foreign powers, in particular from the Austrian Count Kinsky, the Prussian Baron Mardefeld, and the crafty Holsteiner Bassewitz.²⁸

Campredon's dispatches being readily accessible to the student in print,²⁹ it is unnecessary to enter here into particulars of his doings. He was duly warned of propositions from Austria which, if the tsar would listen to them, might change the political face of Europe. On the main question of an alliance, when he insisted that his master's ally, the king of England, must be a principal party to it, Shafirov replied that it would be very difficult to bring that about, although the good offices of France for a reconciliation would have quite a different weight from those of Prussia, already rejected. Complaints, indeed, against Great Britain, Shafirov said, strong as they were for the aid given to Sweden in the war, were almost extinguished by the peace, but it was not so as regarded Hanover; ³⁰ the tsar neither would nor could be reconciled with the king, as elector, until he had made proper apology through an accredited minister for the offences given, nor until the execution in Mecklenburg, sustained by the troops of Hanover, was stopped.³¹ Impressed by these statements, Campredon advised that the best way to proceed was to conclude a treaty between France and Russia first, the subsequent admission of other powers being stipulated in it. And he forwarded a draft of his own conception to serve as a beginning. He recommended also recognition of the tsar's imperial title, as thereby an advantage might be gained over Austria, it being certain that the emperor would haughtily refuse it.

This was in November; in the next month Campredon had alarming reports to send of the tsar's declared intention of using

²⁸ It is curious that these three, according to the Saxo-Polish envoy, Jean le Fort, arranged a kind of dining-club with Campredon soon after his arrival (*Le Fort*, 17 November 1721, *Sbornik*, iii. 337).

²⁹ *Sbornik*, vols. xl, xlix, lii; cf. Vandal, *Louis XV et Élisabeth de Russie*, ch. i. The orthography of the dispatches, as will be seen from the quotations, is modernized.

³⁰ 'Qui a outragé le Czar par le conseil de M. de Bernstorff, notre ennemi déclaré, contre la foi des traités, toute justice et toute bienséance. . . . Le traitement fait à son ministre à Londres [Michael Bestuzhev, expelled in 1720] est public, de même que le mémoire de la façon de M. Robeton, sans compter les libelles diffamatoires, qui se sont imprimés en Angleterre venant de la même source, et vous n'ignorez pas non plus le traitement que M. de Bernstorff a fait faire au duc de Mecklenbourg, sous le faux prétexte de l'invalidité du mariage de ce prince avec la nièce du Czar, quoiqu'il n'ait été conclu qu'après une séparation en bonne forme d'avec sa première femme, qui a déclaré authentiquement n'être point propre au mariage et que le sien n'avait pas été consommé.'

³¹ Mardefeld advised that the Mecklenburg affair was the principal difficulty in the way of a reconciliation (report of 24 October, forwarded by Whitworth on 8 November. Record Office, Prussia 15).

force, in concert with the emperor and other powers, against Hanover and Denmark, to despoil the latter of ducal Sleswick and the former of Bremen and Verden. He recommended that, to stay the storm, France and England should show immediately that they would contribute to the duke of Holstein-Gottorp's compensation. Thereby, he said, a way might be opened to reconciliation between the tsar and the king of England, and Bernstorff should be ordered to work for it sincerely, or at least no longer to oppose an arrangement between the duke of Mecklenburg and his nobles. After more on this subject and on suspicions on the tsar's part of French sincerity, due to the divulcation by some means of his secret negotiations at Paris,³² Campredon went on :

Cette raison m'empêche jusqu'à présent de pouvoir faire aucun usage de ce que le roi de Suède m'a écrit, de solliciter vivement la réformation de l'article par lequel S. M. Britannique est insérée dans le traité de paix et sans quoi elle ne veut entrer ni dans la garantie, ni dans aucun liaison avec le Czar. Il est à souhaiter que ce Prince ne soit pas informé de cette déclaration. Il se croit aussi assuré de la nation anglaise qu'il se soucie peu de ce qui a rapport au Hanovre, et je puis dire à V.E. sûrement que les voies de hauteur ne réussiront point ici. Il ne sera même pas possible de parler du changement de l'article en question, et encore moins sûr de l'obtenir par écrit, que dans le cas d'une négociation sur le pied dont j'ai eu l'honneur de rendre compte. Les ministres du Czar disent bien verbalement que leur maître n'a aucun dessein sur l'Allemagne ; mais si on s'endort à cet égard, et que les menées des cours de Vienne, de Prusse et du duc de Holstein aient lieu, il pourra s'élever de ce côté-là un nouveau feu difficile à éteindre, car le Czar se prétend inaccessible, et il le sera en effet dans peu de temps, dès que les établissements où il va faire travailler à Cronsloot et à Rogerwick³³ seront perfectionnées. D'ailleurs je n'ai encore aucun ordre de S.A.R., et je dois les attendre sur ce qu'elle aura appris de la situation des affaires de ce pays-ci.³⁴

Schaub, left at Paris alone after the departure of Sir Robert Sutton at the end of November, did his best to allay the disquiet caused by these dispatches. Against the anxiety shown to secure Russia for an ally in the place of Sweden³⁵ he argued that there

³² Cf. Vandal, pp. 35, 36.

³³ Eight leagues from Reval, now 'Baltic Port'. French engineers, De Brigny and Loubras, were employed on the plans.

³⁴ This is taken from Campredon's long and very interesting dispatches of November and December 1721, *Sbornik*, xl. 308 foll. He wrote to the Hessian envoy at Stockholm, General Diemar, on 11 December : 'Le Czar ne veut point rechercher l'Angleterre. Il est extrêmement fier sur cet Article. En général toutes mes negociations sont aussi difficiles que longues' (quoted by Finch, 25 January (o.s.) 1722, Record Office, Sweden 30).

³⁵ 'Comme la Suède est devenue inutile à la France, et le Régent même a concourru à la dépouiller de ses Provinces en Allemagne, contre le gré de bien des François, il croit que l'intérêt de la France, et le sien personnel, exigent également qu'il s'attache le

was no urgency, that the tsar could never unite with the emperor, and that to make advances to him was unwise.³⁶ He pressed for the communication of Campredon's dispatches, and obtained consent. He reported willingness on the part of the regent to promote a reasonable accommodation on the questions of Mecklenburg and Sleswick,³⁷ and his desire to know the king's views thereon in detail as well as on other points, for instance, 'gratifications' to the Russian ministers and a guarantee of the succession to the tsarevna Anne. It was also desired, he said, either that a minister of confidence should be sent to assist Campredon or that instructions should be drawn up to regulate the latter's conduct in what regarded the king's interests, which instructions should be forwarded in the words dictated. He had Dubois' promise that no treaty should be made with the tsar separately, and his confession that Campredon's negotiations were less advanced than on the first day and the tsar's intentions more obscure. It seemed, he reported the cardinal to say,

que le Czar, avant que d'aller plus loin, veuille mesurer son poids avec celui de Sa Majesté Britannique, et essayer si à son tour il pourroit acquérir auprez de nous une préférence, à laquelle toute autre considération céderoit. Or, nous ne le laisserions pas longtemps dans le doute, s'il étoit question de choisir entre Sa Majesté Britannique et Luy; mais il s'agit de mener le Czar à bien, s'il est possible.³⁸

Campredon's dispatches, or rather extracts from them, were in time communicated to London, and thereupon Carteret drew up and forwarded a formal '*mémoire pour Mr. Campredon*'.³⁹ This began by stating that the tsar had not the slightest reason to complain of the aid given by Great Britain and France to Sweden in the late war, because they could not abandon their ancient ally. They had always counselled Sweden to grant conditions of peace honourable and very advantageous to the tsar, and without their interposition the war would still be going on. Secondly, the pretended '*grievs*' put forward by the Russian ministers had no foundation. In taking action against the duke of Mecklenburg-Schwerin the king had only obeyed, as elector and director of his circle, the imperial decrees. He was now ready to do everything

Czar, pour en cas de besoin la faire servir aux usages que la France tiroit cy-devant de la Suède. Le Régent et le Cardinal sont ingénument convenus avec moy, qu'ils ont cette vue.'

³⁶ 'Qu'on ne risquerait rien à le laisser se consumer en avances et en projets inutiles. Au lieu qu'on risquerait beaucoup en opposant avances à avances.' Arguments on this head at length.

³⁷ 'Cela luy paroit autant plus practicable, que tous les Garans du Sleswick ont réservé une espèce d'équivalent pour le Duc de Holstein, et que le Czar ne demande la restitution du Duc de Mecklenbourg que sur le pied du Traitté de Westphalie.'

³⁸ Schaub's dispatches, 14 to 31 January 1722, British Museum, Add. MS. 22522.

³⁹ 29 January (o.s.) 1722, Record Office, Foreign Ministers 52; British Museum, Add. MS. 22516.

that was practicable and reasonable for the duke's advantage, partly out of consideration for the tsar's friendship towards him. As to the expulsion of the tsar's minister from England, the king had greater reason to complain of its cause, the extraordinary memorial which had shocked parliament and the whole nation. But in view of the desired reconciliation, he thought that that incident might suitably be forgotten. The case of Sleswick was next discussed, and the impossibility of its restoration to the duke of Holstein-Gottorp insisted upon. If, the document went on, the tsar, in spite of what was said, would not relinquish his hostility, the king would take his measures accordingly, but in the contrary case he was ready to enter into alliance with him, conjointly with France, on the conditions previously stated. The paper concluded with expressions of confidence in Campredon and with the undertaking to find, as soon as the treaty was concluded, 80,000 crowns for gratifications, and to send a minister to the tsar in whatever character he should prefer.

The hypocrisy of this document is palpable. George I had actually warred against Sweden until he had obtained his own booty from her, and then, through Carteret himself, had prevented her from making peace with Russia—a peace by which she would have retained Livonia—and had prolonged the war as long as it was possible. And the decrees against the duke of Mecklenburg-Schwerin he had instigated himself. But it was his resolution that mattered, not its justification. Dubois, Schaub reported, was well satisfied and promised to order Campredon to

se borner d'abord à résoudre les griefs du Czar sans faire mention de l'alliance, avant qu'on luy en reparle de la part de ce Prince; et quand on luy en parlera, de répondre constamment que la France ne peut s'allier avec le Czar, que conjointement avec Sa Majesté; et que cette alliance doit nécessairement supposer et très expressément assurer tous les traittez antécédents avec la Suède et le repos de la Basse-Saxe.⁴⁰

However, the instructions were not sent. Unable to harmonize its desire for a Russian alliance with the necessity of the British, the French government sought refuge in silence, awaiting advances on the part of Peter. In April, Schaub thought he could note a definite coolness towards Russia and mortification on the part of Schleinitz and Dolgoruky and of the Holsteiner Dumont. In fact, he said, Dubois was not disposed to press advances to the tsar. He wrote similarly in June, with the suggestion that the tsar might be holding back from doubt whether the authority of the duke of Orleans would be maintained on the expiry of his regency.⁴¹

Campredon in the meanwhile was almost crushed by his task

⁴⁰ Schaub, 18 February 1722, in cipher, British Museum, Add. MS. 22522.

⁴¹ Schaub, 11 April and 13 June, *ibid.*

of keeping the tsar and his ministers in good humour, without committing himself. His urgent entreaties⁴² for further light were disregarded. He had endless interviews, played his part bravely in the trying court festivities, and watched jealously the machinations of his colleagues, as they watched him. The general Russian policy he declared to be to listen to all propositions with the view of accepting the most advantageous.⁴³ In May his work was suspended by the departure of Peter the Great to conduct his Caspian campaign, an enterprise which introduced a new factor into the complex European problem, the possibility of war between Russia and Turkey. The fertile Persian provinces west and south of the Caspian and their rich trade in silk had long been an object of Peter's cupidity, and now the anarchy prevailing in Persia seemed to offer them an easy prey. A pretext for an expedition was afforded by an assault by Tartar rebels on the town of Shemakha, near Baku, where they had slaughtered a number of Russian merchants and plundered their effects. But the Turks also were interested in that region; they could not allow Russia to establish herself south of the Caucasus, and they claimed all those possessions of Persia by hereditary right.⁴⁴

It had long been the policy of France to keep Turkey and Russia at peace, in order that the former might not be weakened against Austria. Seeing that his main negotiation might profit, if war could be averted by the agency of France, Campredon took upon himself to offer the services of the marquis de Bonac, the French ambassador at Constantinople, to prevent a rupture. His action was approved at Paris, whence explicit instructions were sent to Bonac to exert himself as desired; and it gave satisfaction at Moscow. He was asked to say that the tsar harboured no designs against Turkey, but only wished to chastise the Tartar rebels and to keep trade with Persia free, though at the same time he could not permit them to enjoy the protection of the Porte (for which they had appealed), nor through them a Turkish establishment in their country. Yet, Campredon commented, he certainly did

⁴² Thus on 10 April 1722, reporting Shafirov's significant comments on the want of any progress in the negotiations since November: 'Le silence de votre Éminence me tient les mains liées, ignorant absolument les intentions de S.A.R. . . . Je la supplie de mettre fin à cette situation insupportable.'

⁴³ 10 January 1722, *Sbornik*, xlix. 18.

⁴⁴ The tsar, wrote Stanyan, ambassador at Constantinople, in the following year, was to be informed that 'according to their Holy Law the Port is obliged to receive these provinces under its dominion and to defend them as their own, pursuant to a resolution at a Great Divan founded upon the declaration of the Mufti'; and again, 'the Turks have formally declared to the said [the Russian] resident, that by hereditary right they claim, and will reduce to their obedience, all the provinces and places of Persia, which formerly belonged to the Port, whether they be now in possession of the Persians or of the Muscovites' (19 February and 21 August (o.s.) 1723, Record Office, Turkey 24).

intend conquest of the provinces in question, and the enterprise would be of some advantage, for its immense difficulties would debar him from aggressive action on the side of the Baltic.⁴⁵ On this head great alarm prevailed during the summer, chiefly in consequence of the extravagant reports of the Danish envoy Westphal from St. Petersburg. Amongst other things he pictured in April a naval expedition from Archangel against Norway, in June the gathering of an army of 36,000 horse and 45,000 foot, in July the sailing of twenty-two men-of-war with a large fleet of galleys.⁴⁶ Whitworth⁴⁷ indeed, and Townshend,⁴⁸ made light of the reports, the former especially in regard to an invasion of Mecklenburg, but the Danes were much alarmed. However, it was soon known that only some eighteen men-of-war had gone to sea for an exercising cruise and that the galleys had stayed in port.⁴⁹

In August Lord Whitworth, recalled from Berlin to represent Great Britain at the congress of Cambray, arrived at Paris, and he and Schaub thoroughly discussed the situation with Dubois and Rottembourg. They found the former disquieted by a renewal of the report that Livonia was to be incorporated in the empire, with a seat and vote for the tsar in the diet; and, although they advised that there was little cause for alarm, he had sent, they said, for Schleinitz and informed him of endeavours by the Austrian minister at Constantinople to inflame the Porte on the subject of the Caspian expedition as well as of the strong orders sent to Bonac in the contrary sense. The cardinal had not confided this to them, but '*toute l'histoire nous paroît un petit trait de sa politique, à dessein de brouiller le Czar avec l'Empereur et de rompre leur négociation.*'⁵⁰ These discussions occupied the time till October, when at length Dubois sent, by two couriers whom he had kept waiting at Paris a whole year, the further instructions for which Campredon pressed so ardently. They were accompanied by a draft for a treaty and full powers to Campredon to sign it, and by a '*Mémoire à joindre à celui de My lord Carteret*'.⁵¹ In the draft were proposed reciprocal guarantees

⁴⁵ Campredon, 3 and 10 April 1722, *Sbornik*, xlix. 82 foll.

⁴⁶ Lord Glenorchy's dispatches from Copenhagen, Record Office, Denmark 45.

⁴⁷ Dispatches of 4 April, &c., Record Office, Prussia 16. On 19 June he wrote from the Hague, 'The greatest part of the Czar's sea-armament at Petersburg was made on the advice of the Danes equipping: they both frightened one another into trouble and expence.'

⁴⁸ To Glenorchy, 26 June (o.s.), Record Office, Foreign Entry Book 5.

⁴⁹ Report of Captain Ployart, transmitted by Glenorchy 28 July, Record Office, Denmark 46. Ployart thought the Russian vessels handsome but lightly built, and that a good ship of forty guns might engage the admiral's of seventy.

⁵⁰ Dispatches of August to October 1722, Record Office, France 177. Whitworth was ordered not to hurry on to Cambray, on account of the importance of affairs at Paris (Carteret, 27 August (o.s.), British Museum, Add. MS. 22517).

⁵¹ See the whole in *Sbornik*, xlix. 151-240.

of the treaties of Utrecht and Baden, of the Triple and Quadruple Alliances, and of the several treaties of peace made by Sweden. Recognition was promised of the succession in Russia which the tsar should appoint. Stipulation of the succour to be furnished by either side in case of need was reserved for agreement when the case arose. The parties were to help each other to maintain liberty of election to the throne of Poland, this provision being directed against the succession of the electoral prince of Saxony. Another clause provided for full mutual liberty of commerce.

The points of the 'Mémoire' were as follows. (1) If it were true that Count Kinsky had proposed the recovery of Sleswick for the duke of Holstein-Gottorp and the transference of Bremen and Verden to Denmark in exchange, that could only be an artifice on his part to discover the tsar's disposition towards the king of England. (2) Reconciliation with the tsar was sought by the king only through the medium of France; the good offices of Prussia he had never requested. (3) A guarantee of the succession which the tsar would establish could only be given when his intentions in regard thereto were known. (4) The expulsion of the tsar's minister from London had been necessitated by his conduct, and the king of England was not disposed to make amends for it, for it was he who was aggrieved. (5) He had not opposed the duke of Mecklenburg's divorce; it was an ecclesiastical matter which did not concern him. (6) Complaint of the execution in Mecklenburg must be made to the emperor, whose orders the king of England, as director of the circle of Lower Saxony, could not refuse to carry out. (7) The latter would make no difficulty about finding the money for the 'gratifications' when conditions were offered which he could accept, and when there was a disposition to redress the article of the treaty of Nystad regarding him. (8) The discourses and projects of Bassewitz were chimerical; the king of Denmark would never give up Sleswick; nor, if it were possible to deprive him of it by force, could the duke of Holstein-Gottorp maintain possession. (9) It was also pure imagination that the tsar would give the duke Courland as an equivalent, and (10) the other proposals of Bassewitz for his compensation were equally absurd. (11) The king of England would be very glad to be reconciled to the tsar by the good offices of the regent, and would make no difficulty about sending a minister to him when an agreement had been reached on facts and when he thought that his honour and interest permitted. (12) He was convinced that, whatever stiffness the tsar's ministers might show, that prince could only make a stable alliance with France and her allies, and could expect nothing from the court of Vienna in regard to a guarantee of his new acquisitions. (13) It was of some importance to give heed to the

intimacy which appeared to exist between the ministers of Austria and Prussia at the tsar's court ; it might be an effect of the private disposition of Baron Mardefeld, but did not correspond to the ' démonstrations extérieures ' of the two powers. (14) The king of England was well content with Campredon's conduct, and reposed in him complete confidence ; if his ministers at Stockholm or elsewhere had done anything to create a different impression, that was contrary to his intentions. (15) It seemed that the king of Sweden ought not to reject absolutely the overtures regarding the duke of Holstein-Gottorp which were being made to him.

The dispatches themselves were of stupendous length, Dubois entering into the fullest particulars of all the matters in discussion. But the indefiniteness of his instructions⁵² can hardly have been less embarrassing to Campredon than his previous want of them. Only on the subject of the marriage of the duke of Chartres were they explicit. Flattering and attractive as was the prospect of his election to the throne of Poland, Campredon was told there was no sufficient ground as yet to build upon, and the matter must not be mixed up with his principal negotiation.

One important section dealt with the questions of military succour and of possible Russian interference in Germany. Aid, it was stated, could not be given for a civil war in Russia, nor against Turkey, nor indeed in any case but that of the tsar being disturbed in his new acquisitions in the north. And no consideration whatever could induce the regent to favour enterprises in support of the tsar's two client dukes, or against Hanover ; indeed, to dispel all apprehension on that head was the principal reason for requiring the participation of the king of England in the treaty. For otherwise France would be deprived of the advantages expected from a Russian alliance, a statement explained as follows :

Entre ces avantages le plus important pour la couronne est de préparer les moyens de faire une puissante diversion des forces de l'empereur, si ce prince formait dans la suite quelque entreprise au préjudice des traités ; cette diversion ne pourrait se faire que par l'entrée d'une armée Moscovite dans l'empire, et il a paru jusqu'à présent que le roi de la Grande-Bretagne regarderait cet événement comme ce qui pourrait arriver de plus contraire à ses intérêts ; l'on peut même croire avec fondement que cette

⁵² As an example of this and of Dubois' love of fine composition : ' Plus toutes ces circonstances rendent vos démarches délicates et même périlleuses, plus il est important de méditer avec soin les moyens de concilier des extrémités aussi opposées et de ne pas s'exposer témérairement au hasard de s'attirer un mal présent pour remplir des vues éloignées et qui peut-être n'auront pas lieu. Ainsi il est nécessaire d'établir entre ces différents objets un ordre de subordination qui n'apporte aucune atteinte à nos liaisons avec des puissances, qui concourent avec nous au maintien de la tranquillité publique, et de se ménager d'ailleurs des ouvertures pour établir un contrepoids dans les affaires de l'Europe, dont on pût faire usage s'il arrivait des changements qui obligeassent d'avoir recours à des moyens extraordinaires.'

disposition n'est pas tant l'effet de la crainte du ressentiment du Czar, que celui du désir d'éloigner cette puissance de toute relation et de toute communication avec l'empire, et il est vraisemblable que l'on trouverait les autres états du corps germanique dans les mêmes dispositions ; en sorte qu'en même temps qu'il y a des raisons essentielles de ne traiter que conjointement avec le roi de la Grande-Bretagne, l'on peut prévoir avec fondement qu'il traverserait cette négociation plutôt que de la favoriser, s'il croyait que sa conclusion donnât un prétexte au Czar de faire rentrer ses forces dans l'empire. . . . Suivant ces principes l'intention de S.A.R. est, avant toute chose, de ne rien oublier pour engager le Czar à consentir à ce que l'alliance, qui se fera entre S.M. et ce Prince, soit commune avec le roi de la Grande-Bretagne.

Yet, Dubois went on, if all Campredon's arguments to this end, although supported by the king of England's 80,000 crowns,⁵³ proved useless, the negotiation in the interests of France must not be broken off. The principal thing was to establish reciprocal guarantees of the treaties specified, and those of the Swedish treaties must be reinforced by according the king of England's demand for the addition of an article to the treaty of Nystad stipulating the security of Lower Saxony. There must be nothing in the treaty, it was repeated, having a view to war or calculated to alarm the states of the empire ; its object must be the preservation of peace, whether the allies of France were admitted or no. The propriety of Spain becoming a party to the treaty was unquestionable, but to negotiate this would cause too great delay ; the king of Spain should be named among those to be admitted subsequently. As to guarantees of the tsar's treaties with Poland, Prussia, and Denmark, they must first be examined ; if nothing were found in them contrary to the interests of France and her allies they might be guaranteed, but in the contrary case certainly not ; they did not stand on the same public and peaceable footing as the other treaties.

Among other subjects treated of were Russian relations with Austria and with Sweden, recognition of the tsar's imperial title, his suspicions of treachery at Paris (testimony was given to the innocence of Schleinitz), and compensation to the duke of Holstein-Gottorp. On the last head it was said that the regent desired in general that fit compensation should be made him, but he could not have Sleswick back nor anything from Hanover ; Denmark must provide. That the emperor should seek to restore him by force of arms—as Bassewitz, whose character was sketched,⁵⁴ pretended—was absurd ; he could never favour any scheme which would bring back a Russian army into Germany.

⁵³ In the management of this sum Campredon was ordered to be very cautious, taking care only to expend the money in recompense for services really rendered.

⁵⁴ ' *La légèreté et l'imprudence sont ses moindres défauts.*'

But at the same time that Dubois was writing as above Campredon was sending further alarmist reports of what the tsar, on his return to Russia, might attempt in favour of the duke.⁵⁵ Indeed the term 'épouvantail' applied to the latter by Dubois and others was no bad one, for he was a veritable bugbear to the powers. Apprehensions on his account were renewed at Paris, when report came that the tsar's confidant, Paul Yaguzhinsky, was going to Vienna again.⁵⁶ Some now, Schaub wrote, as Rotterdam, were for making no alliance with the tsar at all, but rather with the other powers of the north to keep him in check.⁵⁷ However, Dubois opined that Yaguzhinsky might be deputed only to discover the emperor's real views and intentions, for the tsar, he insisted, must really be convinced that he could form a solid and durable alliance only with France.⁵⁸

One expedient proposed was to make it worth the duke's while, pecuniarily, to quit St. Petersburg. There had been suggestions to this effect in the summer by the Swedish resident at Paris, Baron Gedda,⁵⁹ and now the king of Prussia brought the matter forward through his envoy, Baron Wallenrodt, in London. The king, Townshend informed James Scott, who had replaced Whitworth at Berlin, had expressed his acquiescence, but required that he should not be called upon to contribute more than the king of Prussia and that the duke should confirm the Swedish treaties.⁶⁰ Scott apprehended difficulty on the former head, and transmitted a proposal to transfer the negotiation to Stockholm, whither the duke was sending his minister Bassewitz. He, it was thought, could easily persuade his master, and the affair would thus be kept secret from the Russians.⁶¹ But this was not to King George's

⁵⁵ 20 October 1722, *Sbornik*, xlix. 247.

⁵⁶ Dubois to Campredon, 27 November, *ibid.* 264. Yaguzhinsky arrived at Berlin with Prince Sergy Golitsuin, designated for Madrid, on 13 December, and stayed a week. He left ostensibly for Vienna, but really, after a sojourn at Leipzig, turned his steps towards Frankfurt and the Hessian country. One report had it that he had gone to see Stanislaus Leszczyński, the late king of Poland. He was back at Berlin, on his way home, on 21 January. Some thought that the chief object of his travels was to discover suitable bridegrooms for the tsar's daughters, and indeed he took back with him to Russia two princes of Hesse-Homburg for inspection (dispatches of James Scott, now envoy at Berlin, December 1722 and January 1723, Record Office, Prussia 16).

⁵⁷ Schaub 4 December 1722, private, and 2 January 1723, very secret, Record Office, France 177. He cited Rotterdam as saying, 'Vous devez songer à vous précautionner contre un homme, qui ne peut porter ses coups que là où vous êtes garand,' and, 'Il faut prendre les devants pour le brider par d'autres alliances, et ne pas attendre qu'il vous devance.' But Carteret instructed Schaub that Rotterdam's proposals, though very sensible, would not easily commend themselves to the cardinal, so that the idea must not be pressed (5 December (o.s.), British Museum, Add. MS. 22518).

⁵⁸ See his dispatches to Campredon, December 1722 and January 1723, *Sbornik*, xlix and lii.

⁵⁹ Schaub, 18 July and 5 August 1722, Record Office, France 177.

⁶⁰ Townshend to Scott, 1 January (o.s.) 1723, Record Office, Foreign Entry Book 53.

⁶¹ Scott, 30 January, Record Office, Prussia 17.

taste. When news came from William Finch at Stockholm that the Prussian envoy there, Baron Brandt, was instructed to pursue the negotiation in conjunction with him and his Hanoverian colleague, orders were sent him not to meddle in it.⁶² And although the king of Denmark signified that his minister at St. Petersburg was authorized to offer the duke a pension of 100,000 crowns, if he would come and live quietly in Holstein and resign his claims to Sleswick,⁶³ nothing resulted. The duke had more to hope for from the present favourable course of his affairs in Sweden and in Russia under the tsar's patronage.

Prince Kurakin was again at Paris during the last six weeks of 1722, ostensibly to direct the first steps of his son Alexander, sent to replace Prince Dolgoruky, and for medical advice. Schaub had discussions with him, from which he drew the conclusion that reconciliation between their masters was impracticable.⁶⁴ Of Kurakin's conversations with Dubois we have the accounts of both. Dubois reported him to say that nothing suited the tsar so well as alliance with France, that his union with Prussia was close and indissoluble, that he was well aware of the emperor's intrigues in Poland and would never join with him, but that his animosity against the king of England and the ministers of Hanover was implacable: 'il mettrait jusqu'au dernier sol pour satisfaire sa vengeance,' and his ministers dared not open their mouths to him on the subject of reconciliation. To this Dubois replied that knowledge of such sentiments on the part of the tsar would unite the king of England and the emperor against him and annul the project which he might form of becoming protector of the protestant states of the empire; whereas abandonment or dissimulation of his resentment against the former would make the attainment of such objects easier. It seemed, he went on, that Kurakin had made inquiries as to the likelihood of the regent's authority being continued after the king attained his majority, and he had been assured in reply that it would be even greater.⁶⁵

By Kurakin's account Dubois praised the tsar's power and suggested a secret alliance with France, which would enable the two powers to preserve the balance of Europe and settle in accordance with their interests the question now most pressing, the Austrian succession. Also, he observed, should war break out in Germany on the religious question, then France and Russia must interest themselves in that. The tsar ought to be careful of his

⁶² Finch, 13 March (o.s.), Record Office, Sweden 32; Townshend to him, 19 April (o.s.), Record Office, Foreign Entry Book 155.

⁶³ Copy of his letter to the king of Sweden, inviting him to join in measures against the duke, enclosed by Finch 8 May (o.s.).

⁶⁴ Schaub, 19 December 1722 and 2 January 1723, Record Office, France 177.

⁶⁵ Dubois to Campredon, 15 January 1723, *Sbornik*, lii. 5.

forces for the present, and not engage in enterprises which might alarm the powers and cause them to combine. In the previous spring, when a Russian invasion of the empire was feared, the emperor had offered to the king of England the aid of 30,000 men. Should they unite, Denmark, Sweden, and other powers would be inclined to join. The emperor must be isolated; hence the pains taken to prevent England from returning to her old alliance: strong in her situation and her wealth, if separated from France England might upset everything. Prussia need not be taken much into account; she was not strong, and in every dangerous case would stand neutral. The representations, that France did not desire the tsar's friendship, were entirely untrue; nothing was more wished for. The services which Sweden had rendered to France in former times were not forgotten, and now that Sweden was useless the tsar's support, ten times more valuable, was wanted instead.⁶⁶

The British government was advised from Holland, wrote Carteret, that Kurakin's visit to Paris had a political object, and must be viewed in conjunction with the missions of Yaguzhinsky to Vienna and of Golitsuin to Madrid. Contrary to Dubois' view, he himself believed that an accommodation with the tsar was now more practicable than at any time, and could be made to the common advantage of England and France. Nothing would serve more to avert a war between Russia and Turkey, the expectation of which was not unfounded, and France could not form a solid alliance with Russia without the king's participation. The possibility of giving a guarantee of the Russian succession was not yet decided, but should the tsar elect to marry his eldest daughter to Prince George of Hesse-Cassel, a joint guarantee might be given. On this subject Carteret dilated, speculatively, at length.⁶⁷ For his expectation of war between Russia and Turkey Carteret had good reason, for he was himself sending instructions to Abraham Stanyan at Constantinople, as Stanhope had done in 1720,⁶⁸ to promote it secretly, impressing on the Turks the damage which would be done to them if Peter the Great were successful in his Persian enterprise and should monopolize the silk trade. To ensure secrecy the dispatch was sent to St. Saphorin at Vienna to be forwarded by the private channel used by the Levant Company, of which he knew.⁶⁹

⁶⁶ Solov'ev, book xviii, ch. ii.

⁶⁷ Carteret to Schaub, 2 January (o.s.) 1723, British Museum, Add. MS. 22518.

⁶⁸ See Stanhope to the British envoys at Vienna, with copy of his dispatch to Stanyan, 26 July 1720, Record Office, State Papers Dom. Entry Book 270.

⁶⁹ Carteret to Stanyan, British Museum, Add. MS. 22518, and to St. Saphorin, Record Office, Germany, Empire, 48, 5 January (o.s.) 1723. Stanyan did his best to counter the efforts of Bonac, but confessed to little expectation of success. See his dispatches of 12 and 19 March, 27 May, and 12 December (o.s.), Record Office, Turkey 24.

Peter the Great was back at Moscow in the first week of 1723. He had carried his arms as far south as Derbent, but his losses of men, horses, and transports had been disastrous. For this and other reasons⁷⁰ Campredon thought that he would not risk war with Turkey. Failure to obtain an audience he attributed to the wish on Peter's part to await the return of Yaguzhinsky and the arrival of Prince Dolgoruky from Paris, whence, he said, Prince Kurakin and his son continued to advise that the authority of the regent and cardinal would not continue after the king's approaching majority.⁷¹

Schaub at this time had little more to report to England than an excellent effect produced by Carteret's late dispatches, shown to Dubois. Consulted on instructions to be sent to Campredon, now that the tsar was home again, he had advised, he said, that above all no eagerness ought to be shown, only goodwill and the desire to conclude a defensive alliance with guarantees of the Swedish treaties. Rottembourg being ill, he would put off presenting the statement in writing, which Dubois requested, until he was well again, 'car c'est le seul homme de ce païs qui puisse concourir avec nous à donner au Cardinal des saines idées sur le sujet du Czar.'⁷²

Campredon's instructions of 29 January⁷³ are interesting from the fact that a version preserved at the Record Office⁷⁴ indicates that their communication to the British government was not always made without reserve. Passages in the dispatch set forth the security which an alliance with France would give to the tsar's establishment on the Baltic and the advantage to him of placing a French prince, his son-in-law, on the throne of Poland. In the Record Office version Persia is substituted for the Baltic, and the throne of Russia for that of Poland, evidently in deference to British, or Hanoverian, susceptibilities. And there are other differences.

In February Louis XV attained his majority, but left the direction of affairs still to the duke of Orleans and Dubois. There was therefore no change in French policy. The necessity of making alliance with Russia in order to thwart Austria,⁷⁵ but in conjunction with the king of England, was still impressed upon Campredon. He indeed reported Osterman, who was now nego-

⁷⁰ Among them the feeling that, if the tsar were so embroiled, 'l'Angleterre sera en droit de lui susciter des ennemis et des embarras, comme on suppose ici que cette couronne y travaille de tout son pouvoir.'

⁷¹ Campredon, 6 and 29 January 1723, *Sbornik*, xlix. 287, 292.

⁷² Schaub, 20 and 26 January, Record Office, France 178.

⁷³ *Sbornik*, lii. 11.

⁷⁴ Foreign Ministers 52.

⁷⁵ 'La considération de traverser l'agrandissement de la maison d'Autriche sera constamment commune à la France et à la Grande-Russie' (Dubois to Campredon, 10 February, *Sbornik*, lii. 19).

tiating with him in place of the disgraced Shafirov,⁷⁶ to say, ' que si mes ordres étaient positifs et irrévocables sur l'admission de l'Angleterre, il ne fallait pas compter, que la négociation allât plus loin.' ⁷⁷ But nevertheless he was ordered to persevere in his task, without either letting Peter the Great suppose that what concerned Great Britain was ' notre principal et peut-être notre unique objet ', or rousing suspicions on the part of George I that negotiations were in hand in which he had no part. It was best, he was told, to labour, taking counsel of Dolgoruky, to acquire confidence, and by establishing friendship between the tsar and the king of France to gain facilities towards bringing in the king of England. But he must observe the utmost secrecy in his negotiation,

car si les Anglais la découvraient . . . ils ne se persuaderaient jamais et ne nous tiendraient aucun compte de nos bonnes intentions, et ne manqueraient pas de faire des avances à l'Empereur ; et quand vous auriez réussi également et pour la France, et pour l'Angleterre, le secret est encore important pour ne pas perdre la Pologne et le Danemark et pour ne pas exciter prématurément les plaintes de la cour de Vienne.

The king of France, Dubois went on, would undertake no engagement contrary to his treaties with Great Britain, and in his next dispatch he explained the position of France as follows :

Vous pouvez toujours assurer, que l'union de la France avec le Czar a été non-seulement le principal, mais l'unique objet, que S.A.R. a eu en recherchant son amitié, et que si elle a souhaité, que l'Angleterre y pût entrer, ce n'a été que pour rompre par là toutes les mesures, que les impériaux pourraient prendre avec les princes d'Allemagne, et que si j'ai dit au prince Dolgoruky, que la France pouvait absolument traiter sans l'Angleterre, c'est au cas qu'elle ne fût pas disposée à faire des démarches, que S.A.R. jugerait convenables pour satisfaire le Czar et parvenir à sa réconciliation ; mais que ce ne peut jamais avoir été à condition de ne pas remplir les engagements, pris avec le roi de la Grande Bretagne par les traités, qui auraient précédé les liaisons, qu'on prendrait avec S.M. Cz., parce que c'est un maxime, que S.A.R. a observé religieusement pendant la minorité et qui est la première règle, que l'on arbore pour le roi majeur, de ne jamais manquer à un engagement précédent.⁷⁸

George I on his side insisted that, whether in regard to the religious strife in Germany or on other matters, there could never be a union between the tsar and the emperor, their interests being absolutely incompatible, and that therefore advances should

⁷⁶ Campredon described in this dispatch Shafirov's condemnation to death for malversation, his reprieve at the last moment on the scaffold, the confiscation of his property, and his exile to Siberia.

⁷⁷ Campredon, 26 February, *ibid.* xlix. 300.

⁷⁸ Dubois to Campredon, 26 March and 2 April 1723, *Sbornik*, lii. 42, 48.

not be made to the tsar, but awaited from him. Stating this, Carteret concluded :

L'intention de Sa Majesté est de concourir avec le Duc d'Orléans pour luy acquérir le Czar. Sa Majesté ne retractera point ce qu'Elle a cy devant avancé touchant l'alliance à faire avec la Russie ; mais Elle reste persuadée, que tout empressement que l'on fera paraître sera contraire à cette fin.⁷⁹

Campredon did his best to carry out his impossible instructions, but the Russians pressed for positive engagements. Unable to give them, he was reduced to keeping his house under plea of illness. And there was like embarrassment at Paris, increased by Dubois' physical infirmity.⁸⁰ When the British court moved to Hanover in June, it was decided to send an envoy thither, Théodore Chévignard de Chavigny,⁸¹ to communicate the contents of Campredon's last dispatches and to ascertain King George's views. He reached Hanover on 14 August, having left Paris just before Dubois' death.⁸²

When this happened, another lengthy instruction to Campredon lay ready to send. In it Dubois stated once again that the British alliance could not be sacrificed for the sake of a Russian. He attributed the delays incurred partly to his own illness, partly to the difficulty and necessity of reconciling the pretensions of the tsar and the king of England, and urged that the former ought to recognize in them the fidelity of France to her existing engagements and the reliance which, consequently, he could place on such as should be made with him.⁸³ Next he criticized the

⁷⁹ Carteret to Schaub, 18 April (o.s.) 1723, British Museum, Add. MS. 22519.

⁸⁰ The disease from which he suffered was aggravated in May by a fall from his horse.

⁸¹ Described in his credentials (Record Office, Royal Letters 7) as 'Le Sieur de Chavigny, mon Envoyé Extraordinaire en Italie, se trouvant à ma Cour.' He had already done good service in Italy and at Madrid, whither he had been sent to advise with Colonel Stanhope in the previous year. Schaub had recommended him in May to replace Secretary Destouches in England, who had given much offence. 'Chavigny,' he said, 'sans naissance, sans appuy, et sans considération dans ce pais,' had addressed himself to him to obtain the post ; he had served the Franco-British alliance well at Parma and at Madrid, and would be faithful to it (26 May, very secret, Record Office, France 178). Carteret, who had known Chavigny when in England with Dubois, characterized him as 'dévoué au Cardinal . . . habile et bien-intentionné', and as 'une personne d'esprit et de droiture, et fort attaché au Cardinal' (27 March (o.s.) 1722 and 2 July 1723, British Museum, Add. MSS. 22517-19.)

⁸² On 10 August. Particulars of his illness and end are in the dispatches of Schaub and Secretary Crawford, 11 August, Record Office, France 179.

⁸³ 'Nous agissons non sur des principes obscurs, mais sur les engagements des traités publics, qui nous obligent à porter les intérêts de l'Angleterre et à garantir tous les états et droits de la maison de Hanovre ; ainsi l'on ne doit point être étonné, que le roi, fidèle aux obligations, qu'il a contractées, non seulement éloigne les occasions d'agir au contraire, mais encore qu'il prévienne tout ce qui pourrait par la suite le mettre dans la nécessité de manquer à l'un des deux engagements, qui par l'événement deviendraient opposés, en sorte que ce qui d'abord pouvait n'être regardé, que comme une mesure de bienséance à l'égard de l'Angleterre, est devenu pour S.M. une nécessité

counter-project for a treaty submitted by Osterman and forwarded by Campredon on 13 March,⁸⁴ and discussed afresh the danger that George I, if he were not satisfied, might be stimulated to join in a league against the tsar, a danger foreshadowed by advices received for some time past.⁸⁵ Reports, he said, that France was negotiating a separate alliance with Russia were being used not only to foment the king of England's anger against the tsar, but to inspire distrust of France. Chavigny would inform Campredon of the results of his mission to Hanover, but the latter must make no use of advices received in this or any other way without express orders. Dilating further on this and other topics, as the instructions sent to Bonac at Constantinople, Dubois observed that, if the difficulties in regard to the king of England were got rid of, others would be of small consideration. Time and patience were necessary, and prudence. In conclusion, Dubois referred to the Russian armaments believed to be threatening Sweden, imputing to that as much as anything the delay which had occurred in sending Campredon instructions, and stated that in regard to the duke of Mecklenburg-Schwerin France would limit herself to the treaties of Westphalia.⁸⁶

The excuse of the Russian armaments was a false one, for news of them was only received towards the end of July. It roused the greatest perturbation, and moved George I to seek once more for British subsidies in aid of Sweden, on the ground that the tsar, after conquering Sweden, might attempt a descent upon Great Britain from Gothenburg. The demand was supported by Townshend and Carteret, both of whom were with the king at Hanover,⁸⁷ but was resisted by Walpole at home;⁸⁸ and the proposals dropped when, early in September, advices came that Peter the

d'autant plus pressante, que les ministres du Czar ont fait paraître plus d'opposition à la réconciliation de ce Prince avec cette couronne.'

⁸⁴ Printed separately as 'Remarques pour répondre à la dépêche de M. de Campredon du 13 Mars 1723', *Sbornik*, lii. 49.

⁸⁵ 'Les négociations pour unir l'empereur avec les rois de la Grande-Bretagne, de Prusse et de Danemark se continuent avec succès par les soins des ministres de Saxe, uniquement appliqués à assurer la couronne de Pologne au prince électoral.' This referred particularly to the visits of General Seckendorff and Count Flemming to Berlin on the part of the king of Poland with proposals for the league in question, see Droysen, *Geschichte der preussischen Politik*, iv. ii. 341-6, Dubois to Campredon, 9 July 1723, *Sbornik*, lii. 59, and Scott's dispatches of April, Record Office, Prussia 17.

⁸⁶ Dubois to Campredon, *Sbornik*, lii. 68, dated 1 August 1723, but not sent till after his death. Cf. *infra*, p. 306, note 96.

⁸⁷ The original letters are in Record Office, Regencies 4, and British Museum. Add. MS. 32686. Some are printed by Coxe, *Memoirs of Sir Robert Walpole*, ii. 253 foll.

⁸⁸ Walpole's views (in addition to his objection on financial grounds) are illustrated in a dispatch to the duke of Newcastle. Any help given to Sweden, he thought, might be made in Russia 'a pretence to prevent a reconciliation betwixt the king and the czar, w^{ch} I taste very much, and my politicks are in a narrow compass, if we keep perfectly well wth France & the Czar, I am under no apprehensions of foreign disturbances, w^{ch} alone can confound us here' (31 August (o.s.), Add. MS. 32686).

Great had left his fleet and returned to St. Petersburg, on news, it was said, that the Turks had occupied Georgia and were threatening Derbent.

Chavigny, on his arrival at Hanover, expounded at his audience Campredon's negotiation and submitted a memorial from Dubois, adding that everything was submitted to the king's judgement, and that there was no thought of raising difficulties ; it was only desired to know his sentiments. Expedients to soften the tsar, whose hostility was believed to proceed rather from anger and from passing humour than from any lasting reason or principle, and chiefly from the expulsion of his minister from London, might be found, it was argued in the memorial, without compromising the king. And as he had declared all along that there was no question of his attacking the king's dominions in Germany—a thing, Dubois remarked, which he was aware that France would never allow—but only of some advance to be made '*pour soulager sa délicatesse sur le prétendu susdit grief*', it was submitted that it would be to the king's interest that a treaty should be concluded upon the footing of such a declaration without his inclusion, for which the king of France would then be able to work more efficaciously and successfully. If the tsar's objections to a triple alliance could not be overcome, and the negotiations consequently should fail, he might be led to think that they had only been intended to amuse him and might throw himself into other engagements prejudicial to the king of England and to France.

Here was the real object of Chavigny's mission. Dubois had come round to Campredon's opinion that the only way to proceed was by concluding a separate treaty between France and Russia first. But of that George I would not hear. Schaub, Carteret wrote, had been thoroughly informed of the king's views, and they need not be expounded to him afresh.⁸⁹ It had been demonstrated to Chavigny in the first place that it was more to the tsar's advantage to be allied with Great Britain than with any other power, unless it were with France ; a point which had never been properly submitted by Campredon. And in the second place, that the reputation of the Franco-British alliance must inevitably suffer were a treaty concluded between France and Russia separately ; nothing could be more agreeable to the court of Vienna, nor anything more disagreeable than the contrary. Nor was it advisable to keep the treaty secret, as suggested, pending the inclusion of the king of England in it ; even could the secret be kept, the tsar ought not to be allowed to think for a moment

⁸⁹ The reference is to a memorandum of 19 April (o.s.), of which there are copies, Record Office, Regencies 4 (enclosed to Walpole on 23 August) and Russia 107, and British Museum, Add. MS. 22519.

that he could separate France from Great Britain. The apprehension of engagements between him and other powers was quite imaginary; he could not be sure of the quiet enjoyment of his conquests unless solidly allied with Great Britain and France. To Chavigny's assurances that the duke of Orleans would make no scruple about informing the tsar that the king of England had been consulted and that the difficulties came entirely from the Russian side, and to his request to know whether the latter would give facilities for a reconciliation and, if so, what, it had been replied that complete confidence was maintained in the court of France and that the tsar was well aware thereof, seeing that the king of England treated with him only through that court. It was absurd that he should so indulge his passion in regard to the expulsion of Bestuzhev, about which enough had been said.⁹⁰

Before this answer was made to Chavigny news was to hand of Dubois' death and of the appointments of the duke of Orleans to replace him as first minister, and of Fleurian de Morville, secretary of marine and formerly ambassador at the Hague, as secretary for foreign affairs. Schaub expressed his satisfaction; Morville, he wrote, was imbued with proper principles and was faithful to the Quadruple Alliance, and both he and the count de Maurepas, the new secretary of marine, were under obligations to himself. And he received assurance that if, after imposing his will upon Sweden, the tsar should turn his arms to reinstate the dukes of Mecklenburg-Schwerin and Holstein-Gottorp, or to recover for Sweden her lost provinces in Germany, then the duke of Orleans would be ready to concert all measures possible to maintain the guarantees given.⁹¹

But before long Schaub was less well satisfied. Backwardness on the part of Morville, which he attributed at first to want of acquaintance with foreign affairs, he now found, he said, to be due to adherence to the policy of a separate treaty. After receipt of Carteret's dispatch, at a long conference with the duke of Orleans and Morville he resolutely combated their arguments, obtaining in the end, he says, the duke's admission that a firm front must be presented to the tsar, and his positive assertion that he would never hesitate if it were necessary to choose between alliance with Great Britain and with Russia. But it was important, he argued—Schaub gives his reasoning at length—to attach the tsar, and in doing so the king of England's interests would be thoroughly provided for.

Schaub had long perceived, he said, that Campredon could not hold his own against the tsar, and thought him likely to be sent

⁹⁰ Carteret to Schaub, 21 August, Record Office, Regencies 4, a copy sent to Walpole.

⁹¹ Schaub, 11 and 12 August, Record Office, France 179.

back soon to Stockholm and to be replaced by Lieutenant-General de Cœt, a Lorrainer, entirely of Rottembourg's principles, and one who 'ne feroit pas valoir le Czar plus que de raison'. He testified to the zeal of the duke of Orleans for concerting measures against the tsar, when it had been feared that he would invade Sleswick or Mecklenburg, and quoted his admission that 'les Traittés qu'on fait avec Luy ne sont pas infiniment seurs quand il a des occasions favorables d'y manquer'.⁹²

It appears, indeed, from Morville's dispatches to Campredon that there was actual distrust of the tsar at Paris now. On 20 August he wrote :

Je reçois . . . votre lettre du 23 Juillet. Ce qu'elle contient fait connaître de plus en plus l'impossibilité de traiter avec le Czar jusqu'à ce qu'il ait fixé ses projets et ses idées, et comme il n'a pas jugé à propos de vous les confier, il faut attendre, que le temps et les occasions permettent de juger, si le Roi peut avec sûreté prendre des engagements avec ce Prince et les exécuter.

And in his next dispatch, of 26 August, grave suspicion was expressed of the tsar's intentions towards Turkey, since Dolgoruky's utterances, Morville said, left little doubt that he intended to declare war, in spite of his treaties and of the assurances which had procured the pacificatory orders sent to the marquis de Bonac.

Je vous répéterai encore que, plus ce Prince est dissimulé dans ses desseins, plus vous devez être ferme à ne vous écarter, pour quelque considération que ce puisse être, des ordres, que je vous ai envoyés par votre courrier.⁹³

But the project of a separate treaty between France and Russia was still pressed. Replying at great length to a dispatch from Carteret of 19 September,⁹⁴ in which it was stated that 'le Roy regarde la signature conjointe comme une circonstance essentielle à la réputation de ce Traitté,' Schaub still reported Morville to be firm in the contrary opinion.⁹⁵ To alter his mind he proposed to use the influence of Count Rottembourg, at present absent from Paris, when he returned. Of the polite expressions of the duke of Orleans, outwardly more amenable, he expressed distrust. Three days later he wrote, 'Mr de Rottembourg a rempli mon attente,' having shown (1) that the tsar's alliance could only be useful and safe for France if the king of England were a party to it, (2) that the tsar could take no effective engage-

⁹² Schaub, 4 September, secret, *ibid.*

⁹³ *Sbornik*, lii, 100 foll.

⁹⁴ Record Office, Regencies 5, British Museum, Add. MS. 22519.

⁹⁵ He urged that 'l'alliance du Czar était trop convenable aux deux Couronnes, et que les liaisons avec l'Empereur étaient trop à craindre, pour qu'on dût s'arrêter à la signature conjointe, pourvu que le Czar, en signant avec la France seule, donnât d'avance tous les seuretez que Sa Majesté pourroit désirer.'

ments with the emperor, and (3) that, even if he were imbued with the belief that France would sign with him separately, security being given for the king of England's interests, it would be easy to delay the affair and amuse him while it was being put in order. Rottembourg reported leaving the duke of Orleans and Morville in a thoroughly good disposition, and he himself (Schaub) would not let his understanding with him appear and would quietly await the next advices from Campredon.⁹⁶ A few days later Schaub wrote to Robert Walpole in England: 'It seems we may reasonably expect, that no separate treaty will bear between France and the Czar, without England's being included.'⁹⁷

On 10 October was signed the treaty of Charlottenburg between Great Britain and Prussia. It was in due course communicated to the French government, and, in accordance with Carteret's expectation,⁹⁸ had a strong effect. Schaub and Horatio Walpole, the latter lately arrived at Paris, reported French satisfaction with the treaty⁹⁹ and a changed attitude on the part of Morville in consequence of it, and later they wrote that it had without doubt put an end to the idea of a separate treaty with Russia,

puisqu'ils n'ont jamais pu regarder le Czar que comme un Allié trop éloigné sans la jonction du Roy de Prusse; à laquelle ils voyent ne pouvoir plus parvenir sans le concours de Sa Majesté.¹⁰⁰

In Morville's remaining dispatches of the year to Campredon his desire for a Russian alliance was still expressed, but it was

⁹⁶ Schaub to Carteret, 4 and 7 October, Record Office, France 179. Morville's prejudices, he said, were derived from the late cardinal's papers. 'Effectivement il a simplement signé les instructions qui avoient été dressées par Mr. de Besenwald pour Campredon en même tems que Chavigny vous fut expédié. Le Cardinal ne les a pas cru incompatibles avec ce qu'il nous devoit. Au contraire il s'étoit imaginé qu'il feroit approuver à Sa Majesté même le seul moyen qu'il envisageoit pour lier le Czar, comme Chavigny vous l'a expliqué. Et Mr. de Morville n'a pas osé penser autrement ni s'en rapporter à moy, sachant que le Cardinal m'avoit cru préoccupé contre le Czar. Mais les discours de Mr. de Rottembourg luy ont fait plus d'impression.' 'Besenwald' was Jean Victor de Besenval, Baron de Brunstatt, a Swiss, like Schaub, and formerly French envoy to Poland (see the *Recueil des Instructions*, ii. 217, iv. 282). Scott refers to 'le grand crédit auquel M^r de Buzenval est parvenu tout d'un coup' at Paris, attributing it to the desire of placing a French prince, married to a tsarevna, on the throne of Poland (to Townshend, 30 January 1723, Record Office, Prussia 17).

⁹⁷ 13 October, and further 26 October, Record Office, France 179.

⁹⁸ 'Ce Traitté nous fournira un argument très solide, pour faire revenir la Cour de France de tout empressement à se lier avec le Czar, si ce n'est en signant conjointement avec le Roy le Traitté avec Sa Majesté Czarienne' (to Schaub, 24 October (o.s.), British Museum, Add. MS. 22519).

⁹⁹ Seeing that 'Sa Majesté a si efficacement obvié aux manèges des Cours de Vienne et de Dresde pour détourner le Roy de Prusse de l'union avec les Couronnes d'Angleterre et de France.'

¹⁰⁰ 3 November and 5 December, Record Office, France 179. And further, 2 February 1724 (British Museum, Add. MS. 32738): 'Nous serions pourtant plus questionnans, si nous avions encore à combattre icy le désir qu'ils avoient cydevant de s'allier séparément avec le Czar. Mais Sa Majesté leur en a fait passer l'envie par son renouvellement d'alliance avec le Roy de Prusse.'

clearly stated that the tsar's supposed designs made it impossible unless the king of England were included. Campredon for his part could report some progress. He wrote to Chavigny :

Après bien des peines et des difficultez, le Czar m'a fait dire par le Ministre qui négocie avec moy de sa part qu'il consentoit que sa réconciliation avec le Roy d'Angleterre se négotiât par la médiation du Roy, et qu'il m'instruirait incessamment de ses griefs et de la satisfaction qu'il devoit justement attendre des bons offices de Sa Majesté pour le rétablissement d'une bonne intelligence entre ces deux Princes, puisqu'elle la jugeoit nécessaire à la seureté des Etats de S.M.B. et au maintien de la tranquillité générale.¹⁰¹

The 'griefs' were shortly delivered to Campredon in a memorandum in the tsar's own hand. It was demanded in satisfaction (1) that Mecklenburg should be evacuated and the duke be properly compensated, (2) that the king of England should help to obtain from the king of Denmark exemption from the Sound tolls for vessels trading from the tsar's provinces conquered from Sweden, (3) that he should support in concert with the tsar the interests of the duke of Holstein-Gottorp, (4) an indemnity in money for King George's action in prolonging the war with Sweden, (5) that the tsar should be allowed to engage all sorts of English artisans for his service and to send his own subjects to England to learn, as had been fully permitted in the time of William III and Anne, (6) that two Russians implicated in the tsarevich's conspiracy should be surrendered. Such demands can hardly have been made seriously. Morville in his reply stated that the tsar's injunction of secrecy rendered it impossible to lay them before the king of England.¹⁰²

The duke of Orleans, worn out by his excesses, died of a fit of apoplexy on 2 December.¹⁰³ He was replaced as first minister by the duke of Bourbon, but the real power passed into the hands of the young king's preceptor, Fleury, bishop of Fréjus. French policy continued outwardly the same. Greatly as a Russian alliance was desired, in the present circumstances the British could not be sacrificed for it. Every effort was made to reconcile George I with Peter, and Prince Kurakin, who came again to Paris early in 1724,¹⁰⁴ supported the endeavours. But George steadily refused to allow anything more than that the mutual offences should be consigned to oblivion. He laid stress on the

¹⁰¹ The dispatch and Chavigny's reply, of 22 October and 13 November respectively, Record Office, Russia 107, copies. Le Dran, in his account of the relations between France and Russia up to 1726 cites a dispatch of Campredon to Paris of the same date and of similar import, which is not among those printed (*Sbornik*, xlix. 62).

¹⁰² Le Dran, *l. c.*, from a translation forwarded by Campredon on 15 November; Morville to Campredon, 24 December, *Sbornik*, lii. 134. The two Russians, we learn elsewhere, were the brothers Veselovsky.

¹⁰³ Full accounts are given by Schaub and Horatio Walpole, Record Office, France 179.

¹⁰⁴ See his credentials, dated 13 February (o.s.) 1724, *Kurakin Archives*, ii. 158.

point that the flourishing state of his affairs at home, and his alliance with Prussia, rendered him careless of what the tsar might attempt against him, in spite of the Russo-Swedish treaty concluded in February, and its secret article in favour of the duke of Holstein-Gottorp.¹⁰⁵

Yet while in appearance the relations of Great Britain and France remained the same, there was this important difference, that the personal sentiments of the new French ministers towards the Hanoverian establishment in England were not those of the duke of Orleans and Dubois. In fact, the French court made little secret of its sympathy with the Chevalier de St. Georges. The duke of Bourbon told Kurakin that he himself and the king and the whole court were for him, though they could not in the present situation of European affairs so declare themselves; if, however, there should be disturbance to the alliance with Great Britain from the British side, France would take her own measures and be ready to combine with Russia to restore him, a thing which two so powerful monarchies would find it easy to effect.¹⁰⁶ Peter the Great on his side kept always in touch with the Jacobites, in order that the Chevalier might be ready to his hand as an instrument against George I, if wanted, and those in his service, as Admirals Thomas Gordon and Lord Duffus and General Lacy,¹⁰⁷ lost no opportunity of inciting him in the cause.

In March 1724 Prince Kurakin reported to his master the result of a special investigation which he had made into the subject of the attitude of the new French government towards Great Britain and towards Russia. While it was irrevocably intended, he said, to establish a close and indissoluble alliance with Russia, ministers were yet resolved to maintain the accord with Great Britain, which had become almost traditional, and obligatory. But the duke of Bourbon had no personal inclination to King George, as had the duke of Orleans, while the bishop of Fréjus, so far as could be judged from his conversation, was innately his enemy. In spite of the desire lately manifested to conclude a treaty with Russia separately, a desire which he

¹⁰⁵ See the lengthy correspondence of the duke of Newcastle and Horatio Walpole, British Museum, Add. MS. 32738. The principal subjects treated of are the tsar's demands, the Russo-Swedish treaty, and (privately) the real inclinations of the bishop of Fréjus.

¹⁰⁶ Solov'ev, *l. c.* He says that one Colonel Dobion, otherwise Perent, accompanied by General Dillon, brought Kurakin an ukaz dated 5 April (o.s.) 1724, in consequence of which the prince spoke to the duke of Bourbon about the Jacobites, receiving the reply above stated. This 'Perent', we learn from a dispatch of Peter the Great to Kurakin of 16 February (o.s.) 1724 (*Kurakin Archives*, i. 34), had come to St. Petersburg saying that the duke of Bourbon was a good friend to the Jacobites, and asking that when the duke spoke to Kurakin about their affairs the latter should be instructed to show complaisance.

¹⁰⁷ 'Sanguinaire, Catholique Romain, et Jacobite à outrance' (Westphal, 5 July 1723, per Glenorchy, 27 July, Record Office, Denmark 46).

(Kurakin) had done his best to foster, there was real anxiety to reconcile the tsar with the king of England. But while France was bound to Great Britain by present necessity, Russia was looked upon as her natural and permanent ally in the future.¹⁰⁸ Horatio Walpole summed up the situation on 24 April :

Upon the whole, My Lord, I am of opinion that the intentions of this court are sincere to act in concert with his Majesty for the preservation of the peace of the North as well as of the South, as having a natural dependence and influence on one another, but that they are extremely desirous that an Union between his Majesty France and the Czar should be the foundation of it, and that they will not care to think of any other measures untill they are fully apprised of the Czar's last resolution upon it, which they hope will be favorable to that purpose, and that they shall have it very soon, that in the mean time they earnestly beg patience and inclination on our side to conclude an Alliance with Muscovy, being not at all apprehensive that anything can happen to disturb the tranquility of the North before the sentiments and views of the Czar are thoroughly known.¹⁰⁹

During the remainder of the year the French government earnestly pressed its endeavours, and in October, having obtained some small concessions from George I, it was even sanguine that a draft treaty sent to St. Petersburg would be accepted. But in vain : Peter the Great would have his full satisfaction, and at his death in February 1725 the situation remained unchanged.

J. F. CHANCE.

¹⁰⁸ Memorandum of 13 March 1724, *Kurakin Archives*, iii. 243-50.

¹⁰⁹ British Museum. Add. MS. 32738.

Notes and Documents

Burgundian Notes

I. THE ALPINE SON-IN-LAW OF EDWARD THE ELDER¹

THE continental marriages of the daughters of Edward the Elder present difficulties which have not yet been satisfactorily explained. The earliest author who mentions more than one is Ethelwerd, who wrote in the last quarter of the tenth century and who claimed to be descended from the West Saxon royal line. The preface to his Chronicle is addressed to a certain Matilda, to whom he writes as his kinswoman. She cannot, therefore, be the abbess of Quedlinburg to whom Widukind dedicated his Saxon history, for she was the daughter of Otto the Great by his second marriage with Adelaide the Burgundian. The lady addressed was probably Matilda, abbess of Essen, daughter of Liudolf, Otto's son by his first marriage with Edith.² Ethelwerd brings together a string of facts relating to the foreign alliances of various members of the English reigning house. He begins with the marriage of Alfred's daughter Ælfthrythe to Baldwin of Flanders. Then he mentions the daughters of Edward the Elder: first, Eadgyfu married to Charles the Simple; secondly, Eadhild, wife to Hugh, son of Robert, the great duke. Next he says,

Alias vero duas Aedestanus rex tali ratione misit ad Odonem, ut quae ab eis placuisset, sibi in matrimonium elegisset; cui visa est melior Eadgyde, ex qua tu principium tenes nativitatis; alteram vero subiunxit cuidam regi iuxta Iupitereo montes, de cuius prole nulla nobis notitia extet, tam pro

¹ I am greatly indebted to my friend the Rev. W. A. B. Coolidge for advice and for references; but he must not be taken as in any way responsible for my conclusions. The abundant stores of his library at Grindelwald have enabled me to consult works which would not otherwise have been at my disposal, but even with these advantages it is probable that I have overlooked some publications which have appeared since the paper was originally written several years ago.

² Dümmler, *Otto der Grosse*, p. 9, n. 2; p. 290, n. 2.

extenso spatio, quam per obruptionem quodam modo temporum : sed vestrum hoc opus est innotescere auribus nostris.³

This account agrees with that of Hrotsvit, the nun of Gandersheim, who in her heroic *Gesta Ottonis*, finished in 967, tells us how Henry the Saxon desired to provide a wife for his firstborn son.

Trans mare legatos sed transmisit bene cautos
Gentis ad Anglorum terram sat deliciosam,
Demandans ut continuo cum munere misso
Aedwardi regis natam peterent Eaditham.⁴

The English king thereupon sent his sister :

Necnon germanam secum transmisit Adivam,
Quae fuit aetatis meriti pariterque minoris ;
Quo sic maiorem prorsus conferret honorem
Oddoni, nato famosi regis amando,
Egregiae binas stirpis mittendo puellas,
Ut sibi quam vellet sponsam licito sociaret.⁵

Otto chose 'Eadit veneranda', but what became of her sister is not stated. All we have learned from Hrotsvit is that she was known to Germans, or at least to Germans who wrote Latin verses, as Adiva.

For a full account of the alliances of the nine daughters of Edward the Elder we have to pass on to the twelfth century and the *Gesta Regum* of William of Malmesbury. William plainly made use of the account given by Ethelwerd, but he seems also in dealing with the reign of Athelstan to have incorporated a good deal of what he found in *quodam volumine vetusto*.⁶ Bishop Stubbs takes this to be 'a poetical life or panegyric' on Athelstan, of which no trace has since been discovered.⁷ Whatever be his authority, William's statements are unusually precise, although it is manifest that he was ill-informed as to the names and relationships of some of the continental princes whom he mentions. There are three passages in the *Gesta Regum* which bear on the subject. Of these the first is introduced incidentally in an account of the contemporary foreign history ; the second contains the genealogy of Edward's family by his second and third wives ; and the third forms part of the narrative of the reign of Athelstan. I place the three accounts in parallel columns.

³ *Monum. hist. Brit.*, pp. 499 f.

⁴ *Gesta Ottonis*, 74-7, ed. P. von Winterfeld, 1902.

⁵ *Ibid.*, 112-7.

⁶ *Gesta Regum*, § 132.

⁷ *Ibid.*, ii. pref., p. lxi.

§ 112

Huic [Conrado] successit filius Henricus, qui misit ad Athelstanum regem Anglorum pro duabus sororibus suis Aldgitha et Edgitha; quarum posteriore filio suo Othoni collocavit, alteram cuidam duci iuxta Alpes nuptum dedit.

§ 126

Tulit [Edwardus] ex illa [Elfreda] sex filias, Edfledam, Edgivam, Ethelhildam, Ethildam, Edgitham, Elf-givam. . . . Edgifam dedit pater Carolo regi . . .; Ethildam frater Ethelstanus Hugoni, Edgitham et Elf-givam idem germanus misit Henrico Alamannorum imperatori, quarum secundam Othoni filio ille locavit, alteram cuidam duci iuxta Alpes. Suscepit etiam ex tertia uxore, Edgiva vocabulo, . . . filias duas, Edburgam et Edgivam. . . . Edgivam . . . coniunxit frater Ethelstanus Lodowico Aquitanorum principi.

§ 135

[Edelstanus] penso consilio, quod quatuor sorores haberet, in quibus prae-ter aetatis discrimen nihil de forma gratia dissideret, duas postulanti Caesari misit . . . Tertiam legitimam copula sortitus est comparem Lodovicus Aquitanorum princeps, de genere Caroli magni superstes. Quartam . . . Hugo rex Francorum per nuntios a germano expetiit.

It is important to notice that, in § 126, William of Malmesbury expressly assigns the marriage of the wife of Charles the Simple to the reign of Edward the Elder, and those of the four younger sisters to that of Athelstan, who came to the throne in 925. The correctness of the former statement is confirmed by the fact that Charles the Simple's first wife, Frederuna, died early in 916 or 917, and that Lewis IV (d'Outremer), his son by Edgiva, was born in 920 or 921. That the marriage took place before 919 may be inferred from the silence of Flodoard, whose Annals begin in that year.⁸ In like manner, the accuracy of William's date for the marriage of Edith with Otto the Great is certain, and we may not unreasonably accept his evidence on this point in regard to the other three marriages.⁹ It is plain, however, that in § 126 William

⁸ See A. Eckel, *Charles le Simple*, p. 104 (1890).

⁹ Similarly the facts that William assigns the younger Edgiva to Edward's third marriage, and states that it was by Athelstan, that is, not before 925, that she was wedded to Lewis, prince of the Aquitanians, *de genere Caroli magni superstes*, hardly permit us to identify this prince with the deposed emperor Lewis III, who died in 928, as Bishop Stubbs did (pref. to William of Malmesbury, *Gesta Regum*, ii. pp. lii. liii). But it is surely impossible to maintain that 'the king near the mountains of Jupiter' of Ethelwerd is a different person from 'the duke near the Alps' of William whom Dr. Stubbs accepted as Alberic. Nor does 'Lewis, prince of the Aquitanians' appear a likely designation for the emperor Lewis, though the reference to Charles the Great may point to a confusion in William's mind of two distinct persons; in other words, he may have found authority for a marriage with a certain Lewis of Aquitaine, and have wrongly identified him with his namesake the ex-emperor. According to the *Art de vérifier les dates*, pt. 2, x. 93 (ed. 1818), Ebles Manzer, count of Poitou, married as his third wife Adèle or Alaine, daughter of Edward the Elder.

has inadvertently transposed *Edgitham et Elfgivam*: there is no doubt about the name of Otto the Great's queen. In § 112, however, where her name is given correctly, her sister appears as *Aldgitha*. It must be left uncertain whether Hrotsvit's form *Adiva* represents Elfgiva or Aldgitha, or whether William became confused among the numerous similar names of the sisters, Elfreda: Ethelhilda, Ethilda, Edgitha, Elfgiva, Edburga, and Edgiva.

Adiva, if we may adopt this name for convenience, was sent with Edith to Germany in 928. Edith at once married Otto and bore him her only son in the following year. Adiva, the younger sister (as Hrotsvit expressly and Ethelwerd by implication describe her), may have been no older than thirteen or fourteen. Ethelwerd's language makes it clear that he never heard of her returning to England, and the presumption is that she stayed on at the German court until she found a husband. She was married, Ethelwerd says, *cuidam regi iuxta Iupitereos montes*, in other words, to a king whose dominions lay near the *mons Iovis*, or the Great St. Bernard. He appears as 'a duke near the Alps' twice over in William of Malmesbury. Who was this husband?

1. The English editor of Ethelwerd, following the *Art de vérifier les dates*,¹⁰ made him the deposed emperor Lewis III, the Blind,¹¹ and supposed Charles 'Constantinus' to be the issue of this marriage. Charles, however, was of an age to take part in legal business in 923,¹² and his father died in the summer of 928.¹³ Waitz prudently rejected this identification, though he was unable to propose another with confidence.¹⁴

2. Dümmler believed that he had discovered the husband in a certain Burgundian Duke Alberic,¹⁵ whom Bishop Stubbs thought to be a very obscure person.¹⁶ His pedigree has since been worked out by M. Poupardin.¹⁷ He was a son of Majolus, viscount of Narbonne, and married Etola¹⁸ the daughter of Raculf, count of

There is a discrepancy in the account given by Ademar of Chabannes. In one place he says that Eblus married *Adelam, filiam Rosi Rotomagensis*, that is, the daughter of Rollo or Rolf the Norman (*Chron.*, pp. 143 f., ed. J. Chabanon, 1897); but in the earlier recension of his Chronicle, preserved only in a fragment, he makes Eblus's father, Ranulf II, marry Adelina, daughter of Ruinus, by whom he means Rollo (p. 198).

¹⁰ Pt. 2. x. 379, where the wife is called *Edgiva*.

¹¹ Bishop Stubbs inclined to this identification of Ethelwerd's 'king near the mountains of Jupiter': pref. to William of Malmesbury, *Gesta Regum*, ii, p. liv, n. 2. But see above, n. 9.

¹² *Charles de Cluny*, 242, vol. i, 233 f. (1876).

¹³ R. Poupardin, *Le Royaume de Provence*, p. 226 (1901).

¹⁴ *Jahrbücher der deutschen Geschichte unter Heinrich I*, p. 135, n. 4. (ed. 3, 1885).

¹⁵ *Otto der Grosse*, p. 9, n. 3.

¹⁶ W. of Malmesbury, *Gesta Regum*, ii, pref., p. lii.

¹⁷ *Le Royaume de Bourgogne*, pp. 213 ff. (1907).

¹⁸ The name appears in various forms: see Poupardin, *ibid.*, p. 213 n. One is Tholosana, found in a Cluny document of 935 (*Chartes de Cluny*, 432, vol. i. 120 f.). The charter was wrongly assigned by Guichenon, *Bibl. Seb.*, p. 168, to 899: see the *Art de vérifier les dates*, pt. 2, xi. 13. A pedigree is given by H. Bresslau, *Konrad II*, ii. 36, n. 5 (1884).

Mâcon, whom he succeeded in that office. The document on which Dümmler relied was printed 'from the original' by Mabillon¹⁹ and is dated in 958. According to it *Burchardus miles, filius Alberici ducis*, gave to the monastery of Brai the body of St. Pavatius the Confessor, which *ex Anglia attulit cum aliquibus religiosus quos avunculus eius rex Aedredus ei dederat de coenobio de Persora*. Unfortunately the charter must be rejected as a forgery.²⁰ In the final clauses there is no separation of act and date; and the day of the month is given in the modern way and not in accordance with the Roman calendar. It would be interesting if we could trace the origin of this Pershore legend. C. von Kalckstein wrote confidently in support of the identification involved in it, but he had no authority beyond the charter itself, and he took the name *Adiva* which he assigned to Burchard's mother simply from Hrotsvit, who does not mention the marriage at all.²¹

3. But even if we were to admit the genuineness of the charter, the fact that Alberic held lands in the country of Besançon²² would not make him a duke near the Alps, far less a king near the mountains of Jupiter. The only person who satisfies this description is Conrad the Peaceable, king of Burgundy; and he was actually resident at Otto the Great's court from about 937 to 942. He must have been some years younger than Adiva, since he is called *filius parvus* by Flodoard in 937.²³ He cannot have been born earlier than 922, and was probably not born until some six years or more later,²⁴ while Adiva may have been more than twenty-two or twenty-three years old in 937. Of few sovereigns whose reigns cover a large number of years is the personal history so obscure as that of Conrad of Burgundy, and he was king for fifty-six years. According to the *Art de vérifier les dates*²⁵ he was twice married, first to Adelana or Adela, whose origin is unknown, and secondly to Matilda, daughter of Lewis IV of France. Now, since Matilda cannot have been born before 940, and was possibly not born until 948,²⁶ and since Conrad's daughter Gisela, who married Henry the Wrangler, duke of Bavaria, had herself a son in 973, it is evident that Matilda was not Gisela's mother.²⁷ The earlier marriage is attested by a charter for the monastery of Cluny, dated 23 March

¹⁹ *Acta Sanctorum O. S. B.*, saec. v. 245; Bouquet, *Recueil des Historiens*, ix. 622.

²⁰ So too F. Lot, *Les Derniers Carolingiens*, p. 59, n. 2.

²¹ *Gesch. des französischen Königthums unter den ersten Capetingern*, i. 256, 298, 321 (1877).

²² Poupardin, *Le Royaume de Bourgogne*, pp. 214 f.

²³ *Annales*, p. 68, ed. P. Lauer, 1906.

²⁴ Cf. Poupardin, *Le Royaume de Bourgogne*, p. 66 and n. 4.

²⁵ Pt. 2, x. 386.

²⁶ Poupardin, *Le Royaume de Bourgogne*, p. 384, n. 1, p. 386, n. 4.

²⁷ Siegfried Hirsch rightly saw that a previous marriage must be assumed, but thought there was no evidence of the fact or of the first wife's name: *Jahrbücher des Deutschen Reichs unter Heinrich II.*, p. 87, n. 3 (1862).

963,²⁸ whereby Conrad grants lands to the abbey *pro remedio anime nostrae Adelane videlicet reginae et infantum nostrorum*.²⁹ Matilda must therefore have married him after this date and before 966, when she is definitely mentioned as his wife.³⁰ Hence it seems to follow that Gisela, the mother of the emperor Henry II, and mother-in-law of King Stephen of Hungary, was Conrad's daughter by this Adelana.³¹ Her name is known only through this single charter,³² preserved in a relatively late copy; so that little stress can be laid on its precise form. But putting it side by side with the daughter of Edward the Elder who married the king near the mountains of Jupiter—the Elfgiva, or Aldgitha, who married the duke near the Alps—we can hardly be rash in venturing upon an identification; though of course the fact that Adelana is only known to us, as it were by chance, through a single incidental reference, leaves it possible that Conrad had yet an earlier wife, who died before his marriage with Adelana.

4. An alternative suggestion, which at first seemed tempting, I have been compelled after careful consideration to reject. There is evidence that Conrad had at one time a mistress, concerning whom there has been a good deal of discussion. For a long time it was maintained that she was Adelana herself, whom he subsequently married. But this has been shown to be impossible, because she afterwards entered lawful wedlock while Conrad was alive and married. It can be proved from a series of charters, first that she had a son by Conrad, Burchard, who became archbishop of Lyons, and secondly that she had several children by her husband Anselm, who was apparently count of Nyon.

a. Hugh of Flavigny, a writer of the beginning of the twelfth century, records the appointment to the archbishopric of Lyons of Burchard, *Rodulfi regis frater, Conradi ex concubina filius*, and adds that he obtained the see *in infantia*.³³ The date will be 978 or 979, since a document of 984, in the twelfth indiction, is in the archbishop's sixth year.³⁴ That Burchard was brother to Rodulf III is attested by several documents. One will suffice. On 28 July 1011, in a grant to the church of St. Maurice at Vienne, the king speaks of *Burchardo Lugdunensi archiepiscopo fratre nostro dilecto*.³⁵

b. A document of 1005, preserved in a contemporary copy, contains a deed of exchange between Burchard, archbishop of

²⁸ The twenty-sixth year of Conrad's reign.

²⁹ *Chartes de Cluny*, 1152, vol. ii. 242 (1880).

³⁰ *Historiae Patriae Monumenta*, Chart. i. 210.

³¹ Poupardin, *Le Royaume de Bourgogne*, p. 385, n. 2; cf. p. 384, n. 2.

³² The *Art de vérifier*, ubi supra, also refers to Cluny charters of 937 and 944, but I have sought them in vain.

³³ *Chron. Firdun.*, *Monum. Germ. hist.*, viii. 367.

³⁴ *Gall. Christ.* iv, instr. p. 6 (ed. 1876).

³⁵ *Cartul. de l'Abb. de Saint-André-le-Bas*, ed. U. Chevalier (Lyons, 1869), p. 251, app., no. 41*.

Lyons, and Anselm, bishop of Aosta, wherein the latter grants to Burchard certain land at *Oponlongis infra comitatum Ottingin vocatum, hoc est quicquid inibi habere visus est ex parte matris sue Aldiud, quod rex Chuonradus ei prebuit*.³⁶ Another document was confirmed in 1002 at a *placitum* attended among others by *Anselmus pater Anselmi episcopi* and by *Anselmus episcopus Augustiniensis*; ³⁷ and a second document of 1002 bears the *signum donni archipresulis Burcardi et fratris sui Anselmi episcopi*.³⁸ Since, then, Burchard son of Conrad, and Anselm son of Anselm, were brothers, it follows that Aldiud was mother to both of them; and the deed of 1005 shows that she received property from Conrad. Now Bishop Anselm had also a brother, likewise named Burchard, who became archbishop of Vienne. There exists a grant by this Burchard and his brother Udolic, to the church of St. Peter without the Walls at Vienne, of certain vineyards in the territory of Geneva, *pro remedio animarum nostrarum vel pro genitore nostro Anselmo sive pro genitrice nostra Aaldui*.³⁹ The date is 19 August 1017.⁴⁰ From a combination of the evidence here given it results that Alduid or Aaldui was the mother by Conrad of Burchard of Lyons, and by Anselm of Burchard of Vienne, Ulric, and Anselm bishop of Aosta.⁴¹ Her name has been modernized as Aldein by Carutti,⁴² and as Aldvige by Gerbaix Sonnaz;⁴³ but neither of these forms is authorized by the documents from which our sole information is derived. Aldiud should probably be corrected into Alduid.⁴⁴ It is very tempting to see in Alduid or Aaldui a corruption of an Anglo-Saxon name, and to identify the bearer of it with the daughter of Edward the Elder. But chronological reasons forbid it. Burchard of Lyons lived on to 1031, his half-brother of Vienne to 1029, and Anselm to 1034. They cannot be supposed the children of a lady whose birth took place about 915, unless their longevity was, for the Middle Ages, quite unexampled; and if the elder Burchard was made archbishop *in infantia* in 978 the dates of birth of the whole family will hardly be reconcilable with the age of the presumed Anglo-Saxon mother. One regrets to

³⁶ *Hist. Patr. Monum.*, Chart. ii. 91 (1853).

³⁷ L. Cibrario and D. C. Promis, *Documenti, Sigilli, e Monete* (Turin, 1833), p. 7.

³⁸ *Hist. Patr. Monum.*, Chart. ii. 84.

³⁹ *Cartul. de Saint-André-le-Bas*, p. 256, app. no. 47*. In the document of 1011 cited above, n. 35, King Rodulf speaks of both Burchards as archbishops and as his brothers. Odolic also appears as brother of Burchard of Lyons in an undated charter printed in the *Hist. Patr. Monum.*, Chart. ii. 73.

⁴⁰ The twenty-fifth year of Rodulf.

⁴¹ So Cibrario, *Storia della Monarchia di Savoia*, i. (Turin, 1840), p. 11, n. 2; G. de Manteyer, *Les Origines de la Maison de Savoie en Bourgogne* (*Ecole Française de Rome. Mélanges d'Archéologie et d'Histoire*, xix. 465-484. 1899).

⁴² *Il Conte Umberto I e il Re Arduino* (ed. Turin, 1888), p. 301; *Regesta Comitum Sabaudorum* (Turin, 1889), p. 3.

⁴³ *Studi storici sul Contado di Savoia* (Turin, 1883), i. 113 n.

⁴⁴ G. de Manteyer, p. 540.

abandon the identification, because, if correct, it would have led to an interesting genealogical consequence: for Ancilia, the daughter of Anselm and Aldiud, married Humbert aux Blanches-Mains, and was by him the ancestress of the house of Savoy, which would thus be descended in a left-handed manner from our Anglo-Saxon kings.

REGINALD L. POOLE.

Mary, Abbess of Shaftesbury

EVIDENCE has been produced in a former note¹ to identify Mary, abbess of Shaftesbury in the time of Henry II, Richard I, and John, with Marie de France, the Anglo-Norman poetess who has been described as one of the most interesting figures in the literary history of the middle ages, and also one of the most mysterious. On the hypothesis that Marie and the abbess are the same person, any facts relating to the abbess must be of interest, and amongst the records in which her name is preserved, the Shaftesbury register (Harleian MS. 61) is the chief. Of the 125 charters contained in the register, extending over five centuries from King Alfred downwards, twenty-one belong to the time of the abbess Mary, and there are other indications that she occupied a prominent place amongst the abbesses of Shaftesbury. The charters are not arranged in strict chronological order, and most of those in which the abbess Mary is named are undated. Hutchins, in his *History of Dorsetshire*,² followed by the editors of Dugdale's *Monasticon*,³ came to the conclusion that in addition to our abbess there was a second of the same name about the year 1247, but Hutchins cites no authority and gives dates which seem to disprove his own statement. He says that the abbey was vacant in 1246, and that Agnes de Ferrers occurs in that year and also in 1250 and 1251.⁴ But the charters in the register in which

¹ *Marie de France, ante.* vol. xxv. 303 (April 1910). Another piece of evidence, not previously referred to, may help to connect Marie with the abbey of Shaftesbury. This is a fragment of the *Purgatory of St. Patrick* in Anglo-Norman verse written on the cover of a psalter of the twelfth century, which formerly belonged to Shaftesbury. Sir G. F. Warner has described this psalter (Lansdowne MS. 383) in his *Illuminated MSS. in the British Museum*, 3rd series (1901). Part of the fragment is transcribed in H. L. D. Ward's *Catalogue of Romances*, vol. ii, at pp. 474, 475, and the rest in Kölbing's *Englische Studien*, vol. i, at pp. 71, 72, 75, 76. The eighty-three lines of the fragment answer to the sixty-eight lines of Marie's *Purgatory* beginning with line 887 (Mr. T. A. Jenkins's edition, Philadelphia, 1894, pp. 87-90). Sir G. F. Warner says that the psalter was executed in England in the latter part of the twelfth century and that the fragment belongs to the thirteenth century. Though the version of the fragment is not Marie's, it serves to connect Shaftesbury abbey with a work which she turned into verse. It seems not unlikely that the kneeling female figure whose sleeves are trimmed with a broad band of gold, at fo. 14 v^o. of the psalter, represents the abbess Mary herself.

² Third edition, iii. 27.

³ ii. 473, ed. 1846.

⁴ The records show that on 9 October 1243 the royal assent was given to the election

the abbess Mary is named, or with which she is connected by internal evidence, prove that one and the same person is referred to throughout. A list of these charters follows in the order in which they appear in the register.

1. (Shaftesbury Register, fo. 25 v^o.) 1 Richard I. 'Carta Ricardi Regis primi de manerio de Bradeford.'⁵ Ricardus dei gratia Rex Angliae Dux Normanniae [et] Aquitanniae Comes Andegaviae, archiepiscopis episcopis abbatibus comitibus baronibus iusticiis vicecomitibus ministris et omnibus ballivis et fidelibus suis, Salutem. Sciatis nos reddidisse et presenti carta confirmasse Abbatiae de Sancto Edwardo⁶ et Mariae abbatissae eiusdem loci et omnibus successoribus suis imperpetuum totum de manerio⁷ de Bradeford Habendum et tenendum cum omnibus pertinentiis suis et libertatibus et omnibus liberis consuetudinibus suis prefate abbatisse ut alia unquam eiusdem loci melius et liberius et integrius illud hundredum habuit et tenuit. Quare volumus et firmiter precipimus quod prefata abbatia et prefata Maria Abbatisa et omnes successores eius habeant et teneant totum prefatum hundredum cum omnibus pertinentiis suis, libertatibus, et liberis consuetudinibus suis, bene et in pace, libere et quiete, integre, plenarie [et] honorifice. Et prohibemus ne aliquis predictam abbatiam vel aliam eiusdem loci abbatissam inde molestet vel disturbet. Testibus H. Dunelm., R. Bath., H. Coventr., Episcopis; Iohanne Maresc., Willelmo Maresc., Roberto de Witefeld, Radulpho filio Godfredi. Datum per manum Willelmi de Longo campo Cancellarii nostri Elien. Electi apud Doveram viii die Decembris anno primo regni nostri. Is erat tenor cartae nostrae in primo sigillo nostro. Quod quia aliquando perditum fuit, et, dum capti essemus in Allemannia, in alienam potestatem constitutum, mutatum est. Huius autem innovationis testes sunt hii: Philippus Dunelm. episcopus, magister Maugerus Ebroicensis, Vivianus de Stagno Derbiensis Archidiaconus, I. Comes Moretoniae frater noster, R. Comes Cestrensis, Willelmus Longespée Comes Sarum. Data per manum E. Eliensis Episcopi cancellarii nostri apud Rupem Aureae Vallis⁸ x die Septembris.

of Agnes Lungespe (*Calendar of Patent Rolls*, 1243, p. 397). There was a vacancy in 1246 (*ibid.* 1246, pp. 484, 489, 493). On 9 January 1247 the royal assent was given to the election of Agnes de la Ferrere (*ibid.* 1247, p. 495). The Shaftesbury Register (Harleian MS. 61) shows that Agnes de la Ferrere remained abbess till 1260. and contains nothing to suggest that an abbess Mary temporarily superseded her during her term of office (Shaft. Reg. fo. 30 v^o, 31. 32, 89 v^o, 92. 92 v^o, 93 v^o, 100 v^o, 102, 107 v^o, 108, 116 v^o). The *Victoria History of Dorsetshire* (ii. 79) gives a list which does not include a second abbess Mary.

⁵ This is the rubric heading of the charter in the register. I have given the heading in each case, and in the present instance the charter is transcribed in full as being of special interest in itself. Dugdale gives a list of the headings in *Monasticon*, ed. 1846, p. 474, note u. Where Dugdale gives the full text of the charter I have mentioned the fact. 'Bradeford' is Bradford-on-Avon.

⁶ The well-known title of Shaftesbury Abbey, also known as the Church of St. Mary and St. Edward (Dugdale, *Monast.* ii. 471).

⁷ The recital of this charter in *An ancient Confirmation Deed relating to the Abbey of Shaftesbury*, edited by Sir Thomas Phillipps, has *totum hundredum de manerio*.

⁸ Roche d'Orval.

This confirmation charter is dated 10 September only. The year is fixed by the subscription of Eustace, bishop of Ely, the chancellor, as 1198, and the date thus falls within the last year of Richard's life, the period fixed by Mr. J. H. Round as that within which the re-sealing of the royal charters took place.⁹ It will be noticed that one of the witnesses to the confirmation charter is William Longespée, earl of Salisbury, whose connexion with Marie de France has been already pointed out.¹⁰

2. (Reg. 26) Temp. Richard I. 'Carta Iohannis Comititis de Moretonie¹¹ de duobus summaris bosci in foresta de Gillingham ad usum monialium ecclesiae Shaftoniensis.'

According to this charter, as transcribed in the register, it is granted 'ad petitionem karissime amice sue Marie abbatisse eiusdem ecclesie,' but the correct word is not *amica* but *amita*.¹² We observe that Richard in his charter (*supra*) omits the affectionate epithet adopted by John. The charter is witnessed by 'Stephano Ridel cancellario nostro, Waltero de Dunstanvill, Willelmo de Buchent, Hugone de Malan, Radulpho Plucht, Roberto de Estane, Petro del Estane, Rogero de Nebure; apud Sha[f]tesbury'. Robert and Peter de Estane are witnesses to another charter (undated) of the abbess Mary (no. 6 *infra*). It will be noted that the present charter is sealed at Shaftesbury. With reference to the date, John became count of Mortain *de facto* on the accession of Richard I, but he seems to have used the title as far back as 1183.¹³

3. (Reg. 26) 23 May, 7 John. 'Reedificatio Iohannis Regis super quadam carta Henrici Regis proavi sui anno regni 1^o.' Witnesses.

The Register gives the date 'xxxiii^o (sic) die Maii anno regni nostri primo'; the correct date, 23 May, 7 John, is given in *Rotuli Chartarum* 1199-1216, 150 a. In this charter the king refers to the abbess Mary as 'karissima amica (*amita* in the official enrolment) mea'.¹⁴

4. (Reg. 27) 6 Richard I. 'Finalis concordia; scilicet quod Iohannes de Toriton habeat advocacionem ecclesiae de Torinton, pro qua concessit abbatissa de Sancto Edwardo xlii solidatas terrae in manerio de Milvertun, scilicet Cobbeheiam et Smitheneheiam.'

This relates to an assize between the parties in the Curia Regis (see *Rotuli Curiae Regis*, i. 65; *Abbreviatio Placitorum*, 1). The

⁹ *Feudal England*, p. 539. This is one of the charters included in Mr. Round's list (*ibid.*, p. 530).

¹⁰ *Ante*, vol. xxv. 303.

¹¹ The MS. has 'Morent'. The abbreviated form is Moret which stands for Moretoniae.

¹² *Ante*, vol. xxv. 305.

¹³ According to Miss Norgate John was never styled 'Count' during his father's lifetime (*John Lackland*, 24), but Eyton cites a writ of December 1183 or thereabouts in which he is so styled (*Court, Household, and Itinerary of Henry II.* 23 n., 234).

¹⁴ Dugdale, *Monast.* ii. 483, no. xiv, omits the portion containing these words.

abbess names as her attorney 'Guidonem fratrem suum', and the fine is witnessed by, amongst others, 'Guidone de hostiliac.'¹⁵ The name of the abbess does not appear, but by the date and comparison of the names of the witnesses with those in other charters, we can assign the transaction to the time of the abbess Mary.

5. (Reg. 27 v^o.) 1196-1198. 'Finalis concordia quod Abbas Kaines-hamiae habeat Ecclesiam Beatae Mariae de Bristollo ideoque solvat Abbatissae Shafton dimidiam marcam nomine pensionis.'

The date is fixed approximately by the names of two of the witnesses, John, abbot of St. Augustine's, Bristol, who succeeded as abbot in or about 1196, and Walter, prior of Bath, who died in 1198.¹⁶ The date assigns this transaction to the time of the abbess Mary, though her name does not appear.

6. (Reg. 28) Undated. 'Scriptum quod Rogerus de Novo Burgo solvat Abbatissae Shafton. sexaginta solid. de Villa de Almere reservata eadem abbatissae donatione eiusdem ecclesiae.' The abbess Mary is named. Witnesses.

7. (Reg. 28 (no. 2)) Undated. 'Carta Mariae Abbatissae de quadam terra de Todredehelle Godefrido carpentario pro octo solidis annui redditus.' Witnesses.

8. (Reg. 28 v^o.) Undated. 'Carta Mariae de quodam stallagio et duabus acris terrae in Bradefordia Basilio filio Bernardi pro duobus solidis annui redditus.' Witnesses.

9. (Reg. 29) Undated. 'Finalis concordia quod Abbatissa Shafton. habeat advocacionem capelle Sancti Iacobi de Cliphull ideo quod capellanus eiusdem capellae solvat Abbati et Conventui de Alencestr. iis.' This fine is the settlement of a dispute between the abbot and convent of Alcester 'et M. dei gratia abbatissam ecclesie Sancti Edwardi et eiusdem loci conventum'. Witnesses.

10. (Reg. 89 v^o.) Undated. 'Carta facta Ricardo filio Aluredi de Wyke per quam Maria Abbatissa concessit eidem villam de Westhache ad feodi firmam.' No witnesses.

11. (Reg. 90) Undated. 'De una virgata terrae concessa Rogero Godman in manerio de Iwerne vocata Rukehulle sibi et heredibus suis.' The abbess Mary is named. No witnesses.

12. (Reg. 90 (No. 2)) Undated. 'De dimidia hida terrae in Hanlegh concessa Waltero Baldwyne ad terminum vitae.' The abbess Mary is named. No witnesses.

This and the two preceding charters, all belonging to an abbess Mary and not containing the names of witnesses, form part of a group of twelve charters extending from fo. 89 v^o. to fo. 93 v^o. of the register. The group follows a large space in the volume (fo. 37 to 89) occupied by the names of tenants and a description of their

¹⁵ See p. 324 *infra*.

¹⁶ Dugdale, *Monast.* vi. 364; ii. 258.

holdings. Of the charters in this group the first belongs to an abbess 'A', probably Agnes de Ferrers (1247-66), and the eighth, tenth, and twelfth certainly to Agnes de Ferrers. The rest of the group belong to an abbess Mary. Of the eight charters belonging to the abbess Mary, three, viz. the second, third, and fourth, have no witnesses. The remaining five of Mary's charters have witnesses whose names identify them with some of the witnesses to charter no. 5 *supra*, the date of which is not later than 1198. There is no indication in Mary's three charters to which witnesses are wanting that the abbess is other than the Mary named in the other five, and it seems reasonable to conclude that all the eight belong to the period of an abbess Mary which covers the end of the twelfth and the beginning of the thirteenth century.

13. (Reg. 90 v°.) Undated. 'De carta et officio Portariae domus cum libera concessione Dunstano portario &c.' The abbess Mary is named. Witnesses.

14. (Reg. 91 v°.) Undated. 'De officio Coquinae cum feodis concessis Ingerando boterio et heredibus suis.' The abbess Mary is named. Witnesses. Dugdale gives the charter in full.¹⁷ Ingerand the cook ('Iger' *coc**) is a witness to charter no. 5 *supra* and also to nos. 13, 15, and 19.

15. (Reg. 91 v°. (No. 2)) Undated. 'De terra concessa Willelmo filio Walteri coci libere pro servicio coquine cum corodo et feodo.' The abbess Mary is named. Witnesses.

16. (Reg. 92 v°.) Undated. 'Carta confirmationis facta Willelmo Cosyn et heredibus suis de duabus stokis et stura.'¹⁸ The abbess Mary is named. Witnesses. William Cusyn (as the name is spelt in the body of the charter) is a witness to charters 13 and 15 *supra*.

17. (Reg. 93) Undated. 'Carta de Coquina monialium'—Dugdale adds 'A. D. 1326', but the charter does not bear this date. It is a grant by 'Maria dei gratia Abbatisa ecclesie Sancti Edwardi' of an office in the nuns' kitchen to 'Durando filio Ran. Bardel', and the heading in the Register is as follows: 'Ista carta reddita fuit in manus domine M. Aucher Abbatisse die lune proxima ante festum Annunciacionis Beate Marie anno domini millesimo cccxxvi per J. Bardolf.' Margaret Aucher was abbess in 1326. Witnesses.

18. (Reg. 103 v°.) Undated. 'De dimidia hida terrae in Felgham concessa Willelmo filio Petri.' The abbess's name is given as 'M'. Upon comparison with no. 19 *infra* the names of the witnesses prove this charter to belong to the same abbess.

19. (Reg. 105 v°, 106.) Undated. 'De iii sectariis frumenti vannati concessis Ecclesiae Beatae Mariae de Bruton in perpetuum'—'De litera mandati Legati super querimonia Prioris de Bruton de frumento predicto.' Witnesses. The former of these two documents is a charter granted by

¹⁷ *Ibid.* ii. 484, no. xix.

¹⁸ The charter reads, 'tenuras patris sui et avi sui scilicet duas stokas, et sturam ('the two Stokes and Stouro'): see Hutchins' *Dorset*, iv. 413.

the abbess Mary. The latter is a charter of John, abbot of Sherborne, reciting a mandate of Pandulf, bishop of Norwich, chamberlain to the pope and legate to the apostolic see, with reference to a complaint that the abbess and convent of Shaftesbury had not performed their part of the abbess Mary's charter, and directing them to acknowledge their liability to make the payment. This document brings before us an instance of Pandulf's active interference in matters of ecclesiastical government and discipline in England. The date of the abbot's charter would seem to be about 1218, and therefore after the abbess Mary's time.¹⁹

20. (Reg. 117 v^o.) Temp. Henry II. 'De xlv s. annuatim redditus concessis et confirmatis monialibus et capellanis Shafton^a.' The charter runs: 'Henricus dei gratia Rex Anglie et Dux Normandie et Comes Andegavie . . . ad petitionem sororis mee Marie Abbatisse Sancti Edwardi.' Witnesses. The charter is given in full by Dugdale, and Eyton gives the probable date of it as Oct.-Dec. 1181.²⁰ This and the following charters are inserted out of their chronological order near the end of the Register. This one proves the relation of the abbess to Henry II²¹ and contains the earliest known reference to her as abbess. It is dated at Shaftesbury.

21. (Reg. 118) 6 Richard I. 'De xlii solidat. terrae in manerio de Melverton concessis Abbatissae Shafton. per Iohannem de Toryton.' Witnesses. The name of the abbess is not given, but on reference to no. 4 *supra* the present charter will be found to refer to the same subject. Eight witnesses are named in no. 4, and they are all witnesses to the present charter. Probably the latter document was executed to carry into effect the fine by which the proceedings in the Curia Regis were compromised. It is clear that the present charter belongs to the time of the abbess Mary, and that the date of it is 6 Richard I or thereabouts.

The foregoing list comprises all the charters in the Shaftesbury register which belong to the time of the abbess Mary. It is impracticable to give the names of all the witnesses here, but when the abbess's name does not appear in any of the charters and there is no other evidence of identification, a comparison of the witnesses' names will prove that the date belongs to the time of the abbess Mary; and further, the charters all point to one and the same abbess—there is no evidence in the register to indicate the existence of a second abbess Mary. One other entry, though it belongs to a later period, must be referred to, namely the charter of 52 Henry III,²² where we find from a recital that Mary, at the end of her life, resisted King John's demand for a contribution towards the repair of one of the royal castles.

There are a few references to the abbess in other records. When in 1208 the pope had laid England under an interdict, John retaliated by seizing the possessions of the church, upon the principle that as the clergy were precluded from performing

¹⁹ See *Dictionary of National Biography*, s. v. 'Pandulf'. As to the date of Mary's death see p. 323 *infra*.

²⁰ Dugdale, *Monast.* ii. 484, no. xx; Eyton, *Court, &c. of Henry II*, p. 244.

²¹ See *ante*, vol. xxv, pp. 304, 305. ²² Reg. fo. 94 v^o.; *ante*, vol. xxv, p. 305.

spiritual functions they were no longer entitled to the enjoyment of their temporal possessions, which thereby reverted to the crown as escheats or *bona vacantia*.²³ On 30 March 1208, Hugh de Neville, on behalf of the crown, had the custody of Shaftesbury abbey, with its manors, lands, and effects,²⁴ but the abbess received a re-grant, probably not without profit to the king, on 10 April following.²⁵ It is reasonably certain that the abbess Mary died at the beginning of September 1216, at which date she must have been on the verge of old age at least, for her father, Geoffrey of Anjou, died in 1151. The date is indicated by an entry in the Close Rolls, 5 September 1216, of a mandate to Robert de Muscegros, that unless he can take the custody of the abbey of St. Edward he is to commit it to the abbot of Sherborne during the king's pleasure.²⁶ Two days later a mandate issued to Peter de Maulay, sheriff of Dorset, that without delay he should send one of his clerks in whom he could trust to Shaftesbury to take the custody of the abbey, *qui etiam fideliter et discrete curam capiat de exitibus eiusdem domus et sanctimonialibus ibidem necessaria provide et discrete administret*.²⁷ This was followed on 10 September by letters patent directing Peter de Maulay to deliver the custody to the prior of Wareham.²⁸ King John died on 19 October, and on 29 November letters patent announced to the prior of Wareham the appointment of 'J.', formerly sub-prioress, as abbess of Shaftesbury.²⁹

In 1255 the jurors of the hundred of Bradford, Wilts, present that the hundred court used to be held in the king's hundred court of Melkesham, and in the time of King John the abbess Mary removed the court and attached it to her hundred of Bradford, but they know not by what warrant.³⁰ In 1323 the escheator is directed not to interfere further with the bedelry of the hundred of Bradford. He had taken seisin in the king's name, because he found that Mary, abbess of Shaftesbury, who held in frank-almoign, had in the time of King Richard alienated the bedelry to Beatrice, daughter of Herbert.³¹

This appears to be all the information that the records have preserved for us concerning the abbess Mary. We have nothing approaching a connected account of her, but the known facts will enable us to form some conclusions as to her life and circumstances. With reference to the brother Guy mentioned in the

²³ See Miss Norgate, *John Lackland*, p. 128.

²⁴ *Rotuli Litterarum Clausarum* 1204-24, p. 108.

²⁵ *Ibid.* pp. 110, 111.

²⁶ *Ibid.* p. 286. It may be noted that Laurentia de Muscegros was abbess of Shaftesbury from 1279 to 1290 (*Calendar of Patent Rolls*, 1279, p. 314; Shaftesbury Register, fos. 94 v^o., 95, 105 v^o., 107 v^o.).

²⁷ *Rot. Litt. Claus.* 1204-24, p. 286.

²⁸ *Rotuli Litt. Patentium* 1201-16, p. 197.

²⁹ *Patent Rolls*, 1216, p. 7.

³⁰ *Rotuli Hundredorum*, ii. 236.

³¹ *Calendar of Close Rolls*, 1323-7, p. 4.

charter numbered 4, above, it is probable that the abbess had a sister whose husband bore that name. Geoffrey of Anjou had, by a lady of Maine, a daughter Emma, who was twice married—to Guy, lord of Val Guyon, and ‘perhaps secondly’, as Eyton says, in 1174, to David ab Owen, prince of North Wales. The latter marriage was unpopular amongst David’s subjects, and he was ultimately driven from his dominions. He received a grant of lands from Henry II and died in obscurity in 1203.³² Eyton’s suggestion that David was the second husband is no doubt correct, for John, by a charter of the first year of his reign, refers to Emma as the wife of David, and takes her and her possessions into his custody and protection.³³ It may be that Emma was divorced from her first husband and that the abbess still called him brother; but it seems more probable that the first husband was dead at the date of the charter (6 Richard I),³⁴ in which case we must conclude that there was another brother Guy, not previously identified. Perhaps the explanation may be found in the description of Guido ‘de hostiliac.’, a witness to charter no. 4. There can be no doubt that this person is the same as Guido ‘de hostiliato’ (*sic*), a witness to charter no. 21, the two charters relating to the same transaction; and we find ‘Guid’ de hostil’ as witness to charter no. 15 and ‘Guidone de Osteili’ as witness to the earlier of the two charters numbered 19. ‘Ostiliacum’ or ‘Ustiliacum’ (later Oustillé, now Saint-Mars-d’Outillé) was a town of Maine about ten miles south-east of Le Mans, the birthplace of Henry II; and if we can assume as probable that Guido de Ostiliaco was the same person as Guy, brother to the abbess mentioned in charter no. 4, the explanation is so far complete.³⁵

The earliest record of Mary as abbess is Henry II’s charter of 1181 (no. 20 *supra*), and we have seen that she was abbess until 1216, so that her tenure of office lasted thirty-five years at least. That she was a woman of strong character is suggested by her resistance to John’s attempt, in a time of great stress, to tax the abbey for the repair of his castle. There is no reason to attribute her conduct to mere obstinacy, for the charter of 52 Henry III shows on the face of it that there was a principle involved in the resistance to the king’s demand, and that in that year the abbess and nuns were relieved from all further liability in the matter. The removal of the king’s hundred court seems to have been an excessive assumption of jurisdiction, and was perhaps in keeping with the abbess’s character.

³² Eyton, *Court, &c. of Henry II*, 85, n. 182; Marchegay and Salmon, *Chroniques des Comtes d’Anjou*, 340; Rhys and Jones, *The Welsh People*, 4th ed., 313.

³³ *Rotuli Chartarum* 1199–1216, p. 44^a.

³⁴ See *L’Art de vérifier les dates* (ed. 1818), xiii. 112, 113.

³⁵ See R. L. Poole, *Historical Atlas of Modern Europe*, map liv; *Recueil des Historiens des Gaules*, xii. index, sub ‘Ostiliacum’; *Dictionnaire des Communes*, 1903.

With regard to the nephew, William Longespée, for love of whom the *Fables* were written, there is no reason to suppose that his affectionate relations with the abbess did not continue until the end of her life. The only available record, the writ by which the earl, as sheriff of Wiltshire, levied upon the abbey possessions, proves nothing contrary to that view, for he was bound as the king's officer to obey the writ, and the actual execution would be entrusted to subordinate officials. In June 1216 William Longespée, who had been one of John's staunchest supporters, deserted him, but owing it is said to the arrogance of the French nobles, he returned to John's side about the time of the abbess's death.³⁶

Assuming that the abbess's identity with Marie de France has been established, we find that the authoress of the *Lays*, the *Fables*, and the *Purgatory* lived to witness some striking events in English history. She saw Henry II, who acknowledged her as sister, not only king of England and Ireland, but lord over the greater part of the country we now call France; and she saw his son John, who called her his 'dearest aunt', driven out of the greater part of those French dominions. She witnessed the pope's interdict laid upon England, causing for six years a suspension of the regular ordinances of religion,³⁷ while she herself was a victim of John's depredations on the church. She saw the whole realm surrendered to the pope, to be received back and held of the Roman church subject to the payment of a yearly tribute, and she saw also the surrender to the barons by the grant of the great charter.

That John was at one period on affectionate terms with the abbess is proved by the charters, nos. 2 and 3 *supra*. In matters of business, apart from the charters, they would be brought into personal relation by the fact that from 1189 to 1194 John was

³⁶ Miss Norgate, *John Lackland*, pp. 272, 281. The *Annals of Dunstable* (iii. 47, Rolls Series), cited by Miss Norgate, give the year of Longespée's return to John as 1215, an obvious error. With regard to the connexion between the Longespée family and Shaftesbury Abbey referred to, *ante*, vol. xxv, p. 306, *An ancient Confirmation Deed relating to the Abbey of Shaftesbury*, edited by Sir Thomas Phillippis, recites two charters bearing on the subject. One is a grant by Richard earl of Cornwall to Agnes, abbess of Shaftesbury, in which Stephen Lungespoye is named as a witness. The other is a grant by William Lungespée (son of the third earl of Salisbury) to the abbey of Shaftesbury and to Agnes Lungespée, the abbess, of *unam placeam in villa mea de Pola*, to which Richard Lungespée is a witness. Agnes Lungespée was abbess 1243-6 (see note 4 *supra*). The third earl of Salisbury had sons William, Stephen, and Richard. William, the eldest son, accompanied Richard earl of Cornwall on the crusade in 1240, returned to England, and set out for the Holy Land a second time in 1249 (see *Dict. of Nat. Biogr.*, under 'William Longespée (d. 1226)', and 'William Longespée (1212 ?-50)'). Neither of these charters is in the Shaftesbury Register.

³⁷ The ordinary services were not performed in church but some services were held in the churchyards and in private houses, see Walter of Coventry, ii, p. 45 n.

absolute ruler, under the king, of the county of Dorset, in which the abbey stood, and in receipt of all the profits of administration without being liable to account to the exchequer.³⁸ The same good feeling appears to have existed in the year 1205 (see charter no. 3), but it would hardly survive the seizure of the abbey possessions in 1208. The interdict was removed by July 1214, and then followed the struggle with the barons. The abbess's refusal to contribute to the repair of Salisbury castle in 1215, when we may believe that John was straining every nerve in preparation for the fight, must in any case have created between them a breach which can hardly have been healed. During most of the remainder of his life John was engaged in actual fighting or in laying waste the country and involving churches in the general destruction. He survived the abbess by less than two months.

JOHN CHARLES FOX.

The Inquest of 1171 in the Avranchin

IN his note on the pleas of the crown in the Avranchin,¹ Professor Powicke has called attention to certain points of interest in the *État de la vicomté d'Avranches vers la fin du XII^e siècle*, recently published by Delisle.² Departing from the opinion of the editor, who dates the document at the close of Henry II's reign, Professor Powicke, while he suggests that certain entries may go back to the inquiry of 1171, assigns the text as a whole to Richard's time because of the phrase *tempore regis H[enrici]*. This is rather an argument for placing it under Henry II, when *rex Henricus* is in administrative language constantly used to designate Henry I,³ while under Richard and John it is usual to distinguish in some fashion the two kings of this name. Gilbert of Avranches, who kept the tower of the city *tempore regis H.*, is intrinsically more likely to be the elder Gilbert of Henry I's reign;⁴ and the matter is made clear by the reference to the grant of the vineyard of

³⁸ Miss Norgate, *John Lackland*, pp. 27, 28.

¹ *Ante*, xxv. 710 f. [Professor Powicke authorizes me to say that he agrees with the conclusions arrived at in the following paper.—Ed. E. H. R.]

² *Recueil des Actes de Henri II*, pp. 345-7. Cf. pp. 333, 387, 423. Delisle is inclined to place the document after the death of Hugh, earl of Chester, in 1181. There is, however, no evidence that the *vicomté* was in the king's hands when the inquest was held, and many matters are there included which were quite distinct from the *vicomté's* jurisdiction.

³ See, for example, the roll of 1180 in Stapleton, *Magni Rotuli*, i. pp. 11, 13; and the *cartae* of 1166 in the *Red Book of the Exchequer*, i. 195, 197, 204, 212, 217, 222, 226, 230 ff., *et passim*.

⁴ Round, *Calendar of Documents, France*, nos. 635, 724 (where he is omitted by the editor); Robert of Torigny, ed. Delisle, ii. 255; Pipe Roll 31 Henry I, p. 6. Cf. Stapleton, i, p. xcii.

Avranches to the monks of Savigny by a *rex Henricus* who in this instance is known to have been Henry I.⁵ Certain items evidently served as the basis for the corresponding entries in the exchequer roll of 1180,⁶ and the fact that the first eight⁷ of the *milites iuratores* who appear at the head of the document are found in the list of tenants of 1172 suggests an approximate date for the inquest. The fief of Gilbert of Avranches, who was drowned in March 1170,⁸ has passed to his heir, who is likewise so returned in the roll of military tenants in 1172;⁹ yet this heir, his brother-in-law Fulc Paniel, has not yet got possession of the rights over the king's demesne which he enjoys in 1180.¹⁰ Similarly William de Ducey, mentioned in the text as lord of Ducey, died before 1180, when his son-in-law, William de Hueceon, owes a relief for this honour.¹¹ Within these years everything points to 1171, when, according to Robert of Torigny,¹²

Rex Henricus senior fecit investigari per Normanniam terras de quibus rex Henricus, avus eius, fuerat sasitus die qua obiit. Fecit etiam inquiri quas terras et quas silvas et que alia dominica barones et alii homines occupaverant post mortem regis Henrici avi sui; et hoc modo fere duplicavit redditus ducatus Normannie.

No other records of this investigation are available for comparison, but our document is in exact accord with the account of the local chronicler, and its form, with the list of jurors at the head, and its unity of substance, render it practically certain that we have here a copy of the original returns of the inquest of 1171 in the Avranchin. Not only is a Norman coroner¹³ more significant in that year than he would be in Richard's time, but the whole account of the king's rights in the *vicomté* becomes of special value for the study of the Norman administration under Henry II, and even under Henry I. Moreover, at one point this text carries us

⁵ Cartulary of Savigny in the Archives of the Manche, fo. 6 v, no. 6. Cf. *Mémoires des Antiquaires de Normandie*; xx. 256; Delisle, *Études sur la classe agricole*, pp. 443, 445; and Henry II's confirmation in Round, *Calendar*, no. 824.

⁶ Cf. Powicke, *ante*, xxv. 710.

⁷ Eight if, for convenience, we count Robert of Vains, found in charters of 1162-71 (Round, nos. 456, 776, 777). The roll of 1172 is in the *Red Book*, ii. 624-45; and in the *Historiens de France*, xxiii. 693-8; the more detailed return of the abbot of Mont St. Michel is in Robert of Torigny, ii. 296-303, and in the *Historiens de France*, xxiii. 703-5. Several of the remaining *iuratores* and tenants appear in these and in other documents of the period.

⁸ Robert of Torigny, ii. 17; Benedict of Peterborough, i. 4.

⁹ *Red Book*, ii. 640. The abbot's record has, however, been brought up to date. Robert of Torigny, ii. 297.

¹⁰ Stapleton, i, pp. lxviii. 11.

¹¹ Stapleton, i, pp. lxv. 11.

¹² ii. 28.

¹³ A relative of the coroner Geoffrey, earlier than those mentioned by Mr. Powicke, is Roger Poilevilain, *ante*, xxiv. 217. We should note the parallelism between the keeper of the pleas of the crown and the keepers of other portions of the royal demesne, such as the tower, the fair, the meadow, the chestnut-wood, and the vineyard.

still farther back, for the allowance of 20*l.* in the farm of the *vicomté*, by reason of the grant of Vains to St. Stephen's of Caen by William the Conqueror,¹⁴ presupposes, what we know in other cases,¹⁵ that the farm had been fixed in the Conqueror's time, before the occasion for this deduction arose.

CHARLES H. HASKINS.

*Grant by King Robert Bruce of the Sheriffdom of
Cromarty, 1315*

THE two deeds which follow are believed to represent an unusual type of document, an early grant of a Scottish sheriffdom, in this case the sheriffdom of Crumbachy or Cromarty. The first is the original grant by Robert Bruce, king of Scotland, to Sir Hugh de Rosse, son and heir of William, earl of Rosse, of the sheriffdom and town of Crumbachy, in return for his homage and service to the king, dated at Aberbrothock (Arbroath), 5 December 1315. The seal is wanting, but part of the strip of parchment which bore it is still attached. The only expression which calls for remark is the reservation to the king of the 'Custuma que dicitur Malatouta', or, as the second document, 'Noua custuma que malatouta dicitur'. The more correct forms are Malatolta or Tolta mala, that is, an unjust or illegal tax or toll. The term is used all over Europe from the eleventh century.

The second document is a notification of the first, with the notificatory clause accidentally omitted, so that the deed is ungrammatical. It is dated at the same place two days later, that is, on 7 December 1315, and varies in some expressions and some of the witnesses. A strip of parchment is still attached, but the seal itself has perished, and the deed is imperfect in a few places.

The two documents are in the possession of Colonel Walter Charteris Ross, C.B., of Cromarty, and thanks are due to him for permission to print them, and to Mr. Stephen M. Burrows, of Oxford, for bringing these deeds into notice.

F. MADAN.

I

Robertus dei gracia Rex Scoctorum Omnibus probis hominibus tocius terre sue salutem Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse Hugoni de Rosse Militi filio et heredi Willelmi Comit

¹⁴ Comes Cestrie est vicecomes in feodo de Abrincis et eis que ad Abrincas pertinent, et habet in firma sua census et theloneum et omnia placita ad vicecomitem pertinentia per iiii. xx libras, de quibus xx libre computantur ad seacarium consuete pro Vehimo cum pertinentiis suis, que abbatia Sancti Stephani de Cadumo habet in elemosinam de dono regis Willelmi.

¹⁵ *Ante*, xxiv. 223; *American Historical Review*, xiv. 465-7.

Rosse dilecto et fidei nostro pro homagio et seruicio suo totum vicecomitatum et burgum de Crumbachy per omnes Rectas metas et diuisas suas. Tenendum et habendum dicto Hugoni et heredibus suis de nobis et heredibus nostris, libere quiete plenarie et pacifice cum omnibus liberetenentibus burgensibus libertatibus comoditatibus aisiamentis et singulis aliis pertinenciis tam infra burgum quam extra ad dictum vicecomitatum seu burgum spectantibus seu aliquo tempore de iure spectare valentibus. Faciendo inde dictus Hugo et heredes sui nobis et heredibus nostris forinsecum seruicium quantum ad dictam terram pertinet pro omni alio seruicio exactione seu demanda seculari. salua nobis Custuma que dicitur Malatouta In cuius Rei testimonium presenti carte sigillum nostrum precepimus apponi. Testibus Bernardo abbate de Abirbr[othok] Cancellario nostro Alexandro Senescallo Gilberto de Haya Roberto de Kech' et Hugone de Erch' Militibus apud Abirbr[othok] quinto die decembris Anno regni nostri Decimo.

[*Endorsed*] Carta de Crombachy et vicecomitatu.

II

Robertus dei gracia Rex Scoctorum Omnibus probis hominibus tocius terre sue ceterisque christi fidelibus vniuersis ad quos presentes litere peruenerint salutem Quia dedimus et concessimus Hugoni de Rosse M[il]iti filio et heredi Willelmi Comitis de Rosse et heredibus suis totum vicecomitatum et burgum de Crumbachy in feodo et hereditate cum omnibus liberetenentibus burgensibus et singulis aliis pertinenciis ad predictum vicecomitatum seu burgum spectantibus seu aliquo tempore de iure spectare valentibus. Salua nobis noua custuma que malatouta [di]citur prout in cartis quas dictus Hugo inde habet de nobis plenius conti[n]etur [Et nos ?] bona fide promittimus et manucapimus nichilominus nos et heredes nostros a[d ?] ius obligantes ad Warentizandum . . . predicto Hugoni et heredibus suis predictum vicecomitatum et burgum de Crumbachy, cum singulis suis pertinenciis vt supradictum est contra omnes homines et feminas qui in eisdem aliquem modum petitionis facere poterunt vel temptare. In cuius Rei testimonium presentibus sigillum nostrum fecimus apponi. Testibus Bernardo abbate de Abirbr[othok] Cancellario nostro Alexandro de veigners[?] Gilberto de Haya Roberto de Kech' et Daudid de Berclay militibus apud Abirbr[othok]. Septimo die decembris Anno Reg[ni] nostri Decimo.

The Origin of the Name 'Pipe Roll'

THE origin and meaning of the name Pipe Roll as applied to the sheriffs' accounts of the landed and feudal revenues of the Crown seems to have escaped notice. In fact the name should be 'Roll of Pipes' as the pipes were not the Roll itself, but the individual membranes of which the Roll consisted. This comes out clearly from passages in certain ordinances of the Exchequer

issued by Edward II on 14 June *anno sexto decimo* (1323), and printed in the *Red Book of the Exchequer*, iii. 858, where we have the following direction given, *Quant (? Que) le Grant Roule soit escrit saunz rascure et les Pipes annuellement examinez*; while further on the officials are more explicitly directed to see that *soient desore annuellement tutes les pipes de tutz les accomptes renduz en lan bien et pleynement examinez avant qe eles soient mises ensemble, et roule fait de eles*. Each 'pipe' of the Roll must be examined before they are put together and the Roll made up. So again on p. 860 we have the 'pipes' of the Foreign Accounts as well as those of the sheriffs' accounts. From these passages we also learn that the proper name of the series was *Le Grant Roule* or *Magnus Rotulus*, but we also find it spoken of as *Le roule annal*; but it soon came to be known as *La Pipe* (*Rot. Parl.*, ii. 101, A. D. 1348). The 'pipes' or membranes of which each Roll consists are strips of parchment about 6 feet long, sewn together at one end, and not continuously, as the Patent and Pell Rolls are. Each strip bears at its head the name of the county whose account it contains, as EBOR. If one strip does not suffice the supplementary strip is headed ITEM EBOR, and if a third is requisite then it will be ADHUC ITEM EBOR, and so on. That the 'pipes' are the individual membranes, and not the accounts, as suggested in the *Oxford Dictionary*, seems clear: further, as they were flat strips of parchment, in seeking for the meaning and etymology we may keep clear of the notion of anything tubular and cylindrical on which previous suggestions have run. Godefroy, in the *Dictionnaire de l'Ancienne Langue Française*, gives among other meanings for the word *pipe*, '*espèce de bâton*,' and '*tige*', say 'stick' or 'staff' primarily of metal, but clearly flat, giving references to descriptions of gorgeous bindings of missals, where the pipe appears to be the backing. In English the word, though primarily applied to tubular or cylindrical objects, appears also to have come to be applied to flat strips of metal or other substance. Thus the *Oxford Dictionary* cites 'a gyrdell of *pyppes* of silver'. A tube of silver could never make a girdle. Again, we have ladies wearing on their heads 'wrappers of Damaske gold with flat pipes'. If the rendering Strip-Roll seems insufficient we might perhaps compare the use of staff or stave in music and poetry and render it Staff Roll.¹

J. H. RAMSAY.

¹ A suggestion reaches me which throws us back on the cylindrical derivations from which I vain thought we had escaped, namely that the individual membranes before being sewn together were kept rolled up, little rolls, and that 'the name which each single roll once bore was naturally transferred to the conjoint roll'.

The Arrest of Roger Mortimer and Queen Isabel

THE chroniclers of the reign of Edward III throw very little light upon the events that lead up to the king's action against Mortimer and his mother. It was clearly a thorny subject; the relations between Isabel and Mortimer could scarcely be dealt with in detail, and the arrest of a mother by a son was hardly a topic for congratulation. Not the least puzzling part of the story is the king's own action. He had stood by while Henry, earl of Lancaster, and Edmund, earl of Kent, had successively tried to overthrow Mortimer's government; he had acquiesced in the execution of the latter on 19 March 1330; seven months later we find him carrying through his *coup d'état* on 19 October 1330 with complete success and curious ease. Of any preparatory steps we have so far had no knowledge. The letter here published seems to suggest that the king and his advisers had been planning their stroke for some considerable time before they took action.

On the 12th September 1329 William de Monte Acuto had letters of protection¹ during his stay abroad on the king's business. A subsequent writ² informs us that he was going in company with Bartholomew de Burghersh to treat with Odon, lord of Cuyck, whom the king desired to retain in his service. There seems to be no other account of the purpose of his embassy; but it is clear that both envoys were really on their way to the *curia* to treat with John XXII on various matters, including the cess claimed from the king by the pope. On 16 November 1329 they were still out of England.³ In February 1330 they were at Avignon, but were then on the point of departure for England.⁴ We may suppose that they left Avignon about the end of the month, with the usual written and verbal messages from the pope to the king. By 12 April⁵ they were in England, but the exact date of their return is not ascertainable; it may be suggested that it was after the execution of the earl of Kent. William de Monte Acuto brought with him a remarkable verbal message that the pope wished to have a private sign by which he might know which of the king's requests were to be treated as coming from the king's heart and which might be disregarded. In the letter here printed, which is an autograph of Richard de Bury, the king's secretary, afterwards bishop of Durham, Edward replies to this message by saying that in future all the requests which he really wishes to see carried out shall bear the

¹ *Foedera*, vol. ii, pt. ii, p. 772.² *Ibid.*, 773.³ *Calendar of Patent Rolls*, 1327-30, p. 458.⁴ *Calendar of Papal Registers*, vol. ii, p. 497, 12 Kal. Mar.⁵ *Foedera*, vol. ii, pt. ii, p. 786.

words *PATER SANCTE* in the king's own hand ; and at the foot of the letter these words are written in a hand which is clearly that of Edward III. The letter is not sealed ; the secret sign serves instead of a seal. It is not dated ; but it would be difficult to suggest any other possible date at which such a private arrangement between king and pope could have seemed desirable to either. We are driven to conclude that William de Monte Acuto, before or during his stay at Avignon, received private instructions from Edward III at the suggestion or with the knowledge of Richard de Bury ; that these instructions were meant to enable the king to carry on a private correspondence with the pope ; that the pope agreed to the suggestion ; and that the measures so agreed upon were at any rate an early step towards the overthrow of Mortimer, a step which may have been taken as early as September 1329, and must have been taken early in 1330, before the execution of the earl of Kent. Apart from the historical value of this letter it is interesting as containing what is probably the only surviving specimen of the handwriting of King Edward III.⁶ The letter, which is in the Archivio del Castello di Sant' Angelo, Arm. C. fasc. 79, was brought to me by Signor Emilio Ranuzzi, to whom most persons who have worked in the Vatican Archives will have had reason to be grateful.

C. G. CRUMP.

Tresseint pierre pur ce que il nous covendra pluzeures foiz envoyer lettres a vostre seintete ne mie seulement pur nos busoignes propres mais pur lavancement des gentz de nostre houstiel et pur autres, et sur ce sumes infourmes par Monseigneur Guilliame de Mountagu quil pleiroit a vous avoir de nous aucoun privie entreseigne par quel vous puissez sentir quelles prieres nous sunt chargeantes et tendrement a cuer, et les quelles ne mie ; supplions a vostre seintete affectueusement que les prieres quelles nous vous ferrons en temps avenir par noz lettres en Latin ou en Franceis seales soutz prive seal ou soutz nostre signet, es quelles seyent escrites cestes paroles de nostre mein—*Pater sauncte*—vous pleise avoir especialement recomandeas et entendre certainement que elles nous sunt a cuer, car nostre entencion ne est mie de vous presser desore par cel enseigne, mais au meins que nous purrons, et si come nous devons Sachauntz tresseint pierre que ceste chose ne est descoverte a nul forque au dit Monseigneur Guilliame et Maistre Richard de Bury nostre secretaire des queux nous sumes certains quil le tendrent pur secre en touz cas. Ceste cedula estoit escrite de la mein le dit maistre Richard car pur diverses occupacions que nous aviens au partir de cestes nous ne poyens entendre a taunt de escripture.

Ⓙ a t e . r | s a n c t e .

⁶ The facsimile here given is taken by permission from a photograph in the possession of the Public Record Office.

An Essex Manor in the Fourteenth Century

WHEN the Battle Abbey manuscripts escape from the dead hand of Sir Thomas Phillipps, it will be possible to write the continuous history of a great mediaeval landlord. Meanwhile, the Public Record Office has an excellent series of rolls for several of the abbey's manors, including ten Ministers' Accounts¹ for the manor of Hutton in Essex,² which cover the critical period from 1341 to 1390. The manor was a small one, for nine hundred acres was the maximum amount of land cultivated and the number of full villein holdings only eighteen, but in the absence of similar accounts for this period in the cases of Wilburton³ and Fornsett,⁴ the evidence is of some value for the eastern counties.

Before coming to the more or less consecutive series of accounts beginning in 1341-2, it may be well to state some conclusions on the preceding years. A fragmentary rental,⁵ which cannot be later than 1268, and the rental of 1283,⁶ show no signs of commutation, and no money equivalents are attached to the services, but two elaborate extents of 1312⁷ mark a change. The money value of every service and every acre is stated in full, but whereas in 1283 some forty customary tenants occupied about 300 acres, in 1312 twenty-three hold 210 acres. The money rents and the labour services are both increased,⁸ and this, together with the high proportion of 750 acres arable to 13 of pasture for the whole estate, argue profitable arable farming: several of the villeins combine two or more of the typical holdings of 1283.

There are, unhappily, no court-rolls covering the years 1341-90, and we cannot trace cause and effect with certainty. But it is clear that there are two periods of considerable upheaval—one between 1342-54, the other between 1369-88.⁹

¹ Ministers' Accounts, 844/22-844/31.

² Not Houghton in Sussex: see A. Savine, *Oxford Studies in Social and Legal History*, i. 294.

³ F. W. Maitland, *The History of a Cambridgeshire Manor*, ante, vol. ix. 417, (1894).

⁴ Miss Davenport, *The Economic Development of a Norfolk Manor*, 1906.

⁵ Augmentation Office, Misc. Books, 18, fol. 18. The date is settled by Ancient Deeds, D. 316.

⁶ *Customs of Battle Abbey*, ed. S. R. Scargill Bird, 91 ff. (Camden Society, 1887).

⁷ Rolls and Surveys, Roll 192, and Augmentation Office, Misc. Books, 57.

⁸ The *redditus assisne* rise from £6 0s. 11d. to £7 13s. 8d.: not only are the services raised on most holdings, but they become less certain: thus one day a week the whole year round is changed to forty-one days between Michaelmas and August, which could be (and were) exacted at any time in that period: compare Maitland's conclusions on the increase of services at Wilburton between 1221 and 1277.

⁹ The Essex revolt of 1381 broke out in a riot at Brentwood (three miles from Hutton) against Chief Justice Belknap. According to the *Dictionary of National Biography*, mention of him is first made in the Year Book of 1362-3, so that he is presumably the Robert Belknap mentioned in the account for 1367 as 'senescallus terrarum domini' and on his way to gaol-delivery at Colchester (Ministers' Accounts, 844/28).

The period is best explained by the following table :—

	1341-2	1353-4	1354-5	1358-9	1362-3
Fixed Rents . . .	£6 18 10½	£7 6 0½	£7 6 0½	£7 17 0½	£7 17 0½
Holdings Vacant . . .	None	1	1	None	None
Holdings Leased . . .	2	10	9	10	9
Acreage of Crops on De- mesne . . .	347	266	265	—	254
Arrears of the Bailiff . . .	None	£0 3 3½	£3 0 0	£0 11 2	£7 11 1½
Commutations : ¹⁰					
(a) of 115 'precariae' . . .	All	101	101	102	98
(b) of 738 'opera minuta' . . .	2½	181	285½	77	None
(c) of 168 'messiones' . . .	None	All	None	None	None

	1365-6	1367-8	1368-9	1388-9	1389-90
Fixed Rents . . .	£7 17 0½	£7 18 10½	—	£9 13 5	£9 13 5
Holdings Vacant . . .	3	2	3	7	7
Holdings Leased . . .	12	8	8	3	3
Acreage of Crops on De- mesne . . .	222	253½	218½	162	166
Arrears of the Bailiff . . .	£6 11 0½	£7 13 11	£1 5 5½	£1 7 11	None
Commutations :					
(a) of 115 'precariae' . . .	91	100	—	101	101
(b) of 738 'opera minuta' . . .	82	147	—	160	None
(c) of 168 'messiones' . . .	8	8	—	None	None

On the question of commutation, there is in the first place ample corroboration of Miss Davenport's evidence,¹¹ that it was dependent on local rather than general causes, that it was an arbitrary process, and that it was by no means advancing rapidly at the end of the fourteenth century. In this case, the price of food was undoubtedly the chief consideration governing the mind of the authorities. The 'precariae,'¹² which are almost invariably

A Robert Belknap, who is perhaps father of the chief justice, appears in 1351 as trying cases in the abbot's liberty at Limpsfield : see Miss B. H. Putnam, *The Enforcement of the Statute of Labourers*, 215.

¹⁰ In these accounts, the services for any particular year are divided into three classes : (a) those actually performed ; (b) those in disuse, because the holdings represented are vacant or leased out ; (c) those sold or commuted. This table represents class (c) only : to include (b) would be merely another way of stating the number of holdings vacant or leased.

¹¹ *Op. cit.* pp. 47-8.

¹² Besides the 'precariae', other services involved meals at the lord's expense, such as harrowing, mowing, and so on ; this motive for commutation is frequently stated in as many words, e.g. 1312 : 'Et debet invenire unum hominem ad sarclandum bladum domini per unum diem ad duos repastus precii i. d. ob. Et sic valet cibus communiter plus quam profectus operis.' In fact, 'sarclacio' is not commuted till 1367-8 : in the roll of that and succeeding years the formula is the same : 'sic valet cibus plus quam profectus operis : ideo nihil inde exigitur.' So too the service of 'arrura' : in 1366 a note on the margin says : 'de cetero vendantur nisi magna necessitas fuerit'. Finally, the extent of 1424 (Augmentation Office, Misc. Books, 56) laments the price of food constantly : e.g. fol. 95, 'et sic videtur et certum est quod opus messonis ad supradictas precarias tantum valere non potest quo ad profectum sicut valet cibus nisi de necessitate oporteat fieri messio praedicta in parte vel in toto.'

commuted, involved one or two meals at the lord's expense on each day of harvest : on the other hand, the 'messiones' were a duty of reaping eight acres for most of the villeins, without food, and hence commutation of them is due to exceptional causes : they are only once commuted on a big scale, in 1353-4, which I take is a measure of the anarchy prevailing. The 'opera minuta' come nearer to the legal idea of villeinage than anything else in these accounts : the essence of them is uncertainty—sometimes they are spread pretty evenly over the year, sometimes concentrated on one season ;¹³ in 1342 they are all spent in threshing and work at the grange, in 1388 two-thirds go in hedging, ditching, and hurdle-making. Such facts, I think, make it impossible to accept the rigid chronological view of commutation taken by Mr. T. W. Page,¹⁴ who had examined these rolls.

In his classification of labour services on some eighty manors at the three periods 1325-50, 1350-80, and 1380-1450, the services at Hutton are in each case marked as 'about half performed'. A comparison of the figures in the table for 1341-2, 1354-5, and 1389-90, will show that this statement cannot, in fact, be substantiated, but it is a much more serious thing that a uniformity in the process of commutation is implied which does not exist, and that a generalization is drawn where examination of the documents proves particular causes at work.¹⁵ Such generalizations entirely obscure the real value of these rolls, which show the economic policy of Battle Abbey at a grave crisis. The evidence makes one think that after a few years of indecision and hand-to-mouth finance the authorities executed a deliberate change of front with firmness and severity. In 1354-5 the effects of the plague are clear, and the leases running all date from 1349 or later. But none of these leases are for more than twelve years, the great majority for seven, and from 1355 onwards there is a visible effort to restore the *status quo ante* 1349. Rents are raised,¹⁶ one year is the limit of any new leases, and, generally speaking, any leases that remain are not the full villein holdings, which are put back on the old scale of rents and services.¹⁷

¹³ 'In sarculatione bladi hoc anno vi.s. et non plus quia custumarii fecerunt opera yemalia in sarculatione bladi,' 1367.

¹⁴ *The End of Villeinage in England*, 1900.

¹⁵ Such a generalization as this, 'No instance has been found of a manor where the villeins were held to labour for their lord after the Black Death, unless they had been accustomed to do so before that event' (Page, p. 47) seems in the case of Hutton to be refuted, not only by the actual figures (compare the 'opera minuta' of 1341-2 with those of 1362-3), but much more by the whole tone of the documents.

¹⁶ e.g. in 1350 the cottage of John Holder with two acres was leased for seven years at 2s. 6d. per annum ; in 1358 it appears as a lease terminable at one year ; in 1362 the rent is raised to 3s. 4d. ; in 1366 it has returned to the old system of services. At least six leases are extinguished in this way between 1363-8.

¹⁷ e.g. 1367 : 'Et de iii.s. vi.d. ob. de firma tenementi quondam Willelmi Gorueys

A crisis seems to be reached in the years 1366-8: the auditors disallow or reduce some outlay on nearly every page. The bailiff is warned¹⁸ that arrears of £7 13s. 11d. cannot be accounted for by the combination of wind, rain, drought, and murrain that he alleges;¹⁹ in 1368 a new bailiff is appointed. The fines of the court leap from 32s. in 1366 to 97s.: a pillory and a ducking-stool²⁰ are included among the 'minuta necessaria'.

By 1389 times are changed, at what cost to the tenants we can only infer from the rise of 30 per cent. in rents,²¹ and the empty holdings. The acreage of crops sown on the demesne is not half that of 1342, and greatly diminished since 1369: no full villein holdings are leased, and commutation is no greater than fifty years earlier; it is clear that by reason of this stringency or other causes holdings are thrown on the landlord's hands, but the explanation seems to be that one of 'those holy men the abbots' has turned sheep and cattle farmer. The pasture which was leased from 1342-68 is kept in his own hands: a certain cheesemaker²² leases 120 sheep and 60 cattle: stock of all kinds, as well as fleeces, are sold in gross in the open market. In 1390 the series of accounts comes to an end. At what time and through what precise causes the medieval system finally ceased at Hutton it is impossible to say. The extent of 1424²³ carefully enumerates all the services (though it adds that the cost of food makes many of them a dead loss), and of twenty-seven customary tenants five only hold by copy, and none of these occupy original villein holdings. Scanty evidence at the end of the century²⁴ shows that the real change took place between 1424-70—a generation later than at Wilburton,²⁵ and probably a hundred years after

sic dimissi Willelmo Hynde inter festa Sancti Michaelis et Pasche, et non plus quia extunc dimittitur pro seruiciis et consuetudinibus inde faciendis sicut in rotulo curiae continetur.'

¹⁸ 'Et debet xii.li. Postea condonantur eidem ex speciali gracia domini abbatis et auditorum ut melius agat de cetero de diversis superoneratis et disallocatis ut patet infra et extra lxi.s. iii.d. q.'

¹⁹ 'iii.d. allocatur hoc anno ex gracia auditorum propter siccitatem temporis'; 'in parcella grangie frumenti delacerata turbine venti cooperienda per conuencionem in grosso vi.d.'; 'x acre seminate cum frumento in anno proximo precedente omnino perierunt per habundanciam aque superuenientis.'

²⁰ 'In i collistrigio et i cukkyngstol propter libertatem visus franciplegii per conuencionem in grosso x.s.'

²¹ This rise of rents must be explained on some other hypothesis than as fixed commutation for services, which are accounted for as either performed or sold in the usual way.

²² 'Et de xix.li. xiii.s. receptis de firma lxiii vaccarum et iuvenicarum sic dimissarum casiatori:' 'De agnis neque de velleribus nihil hic quia oves dimittuntur ad primam precio cuiuslibet ovis matricis xii.d.' On the Essex cheese-industry see Round, *Victoria County History*, Essex, vol. i.

²³ Augmentation Office, Misc. Books, 56.

²⁴ Ministers' Accounts, 1107, 9-10; Henry VII, 719; 1838. See also Court-Rolls, 173/9.

²⁵ Maitland, *ubi supra*.

the Black Death. Certainly, between 1470 and 1497 the demesne was leased to a farmer, copyholds were the rule, land was freely bought and sold, and only the courts and incidents²⁶ remained of the old system. In 1536 the monks, whom Dr. Layton found 'past redemption', let the whole manor on a lease of 99 years.²⁷

On the disputed question of the changes in the population in the fourteenth century, so small a village cannot shed much light. But the figures are these: at least 40 customary tenants in 1281, 23 in 1312, 18²⁸ (estimated) in 1377, and 27 in 1424. Whatever conclusion be drawn from these figures, there can be no doubt of the extreme fluidity of the population: eight new names appear in 1312, and 25 of the 40 names of 1283 have gone; in 1424 one name only reappears of the tenants in 1312; in 1523²⁹ three names only of those of 1424.

A few other points are worth mention. The extent of 1312 definitely attaches the title of 'moleacre' to certain plots of land³⁰ and the duty of reaping them to certain tenements: in 1342 and subsequent accounts 24 acres of reaping are due from 'molmen', but the duty is clearly performed indiscriminately by any of the villeins. The tenure of sisters holding as co-heiresses in villeinage is visible in the thirteenth, as in the eighteenth century.³¹

Besides a mass of detailed evidence on wages and prices,³² there is abundance of notice in these rolls on matters of more general interest. The exactions of the royal purveyor during the great war,³³ the closeness of communication between the various manors

²⁶ For that matter, the lord seized a grey mare as heriot in 1852: see the court-rolls, from 1760 onwards, in possession of the present lord of the manor, Mr. Ernest Wood.

²⁷ Ministers' Accounts, Henry VIII, 3675.

²⁸ This is based on Lay Subsidies, Essex, 107/50 (the poll-tax), which gives 69 persons in the *vill* over fourteen years of age: considering that one other manor absorbed part of the *vill*, and the number of holdings vacant in 1388, 18 seems a fair estimate.

²⁹ Lay Subsidies, Essex, 108/151.

³⁰ Augmentation Office, Misc. Books, 57, f. 89. 'Et debet metere ligare et coppare unam acram frumenti que vocatur Moleacre et valet opus iiii.d.'

³¹ Augmentation Office, Misc. Books, 18, f. 18. 'Willelmus Cartelein debet annuatim de redditu viii.d. et invenire unum hominem ad magnum Bederit. Sabrina soror uxoris Willelmi idem debet per omnia quod Willelmus.' The Court-Roll of 1763 supplies an exact parallel.

³² Rogers used most of these rolls for the *History of Agriculture*, and the prices of wheat and oats, the only considerable crops at Hutton, scarcely vary from his averages. The wages of carpenters, carters, shepherds, dairymaids, and cooks would form a study in themselves.

³³ 1354, 'Idem computat in cibo et potu pro diversis officiariis dominorum Regis Principis et alii de famulis eorum diversis vicibus xl.d.'; 1355, 'Datum cuidam Waltero carpentario domini Regis qui habuit caretam domini apud Brendewoode pro maeremio in patria' versus Caleys cariendo xlii.d'; 1359, 'Et prebenda equi Ade Bernefayr provisoris comitis Richemundie per iiii vices i. bus.'

of the lord,³⁴ a levy for the two cardinals who visited England in 1357,³⁵ and the existence of 'The King's Fox-Hunters'³⁶ are perhaps the best examples.

K. G. FEILING.

A Puritan Survey of the Church in Staffordshire in 1604

THE manuscript here printed is one of the many to be found in the Morrice Collection (M. V) in the Dr. Williams's Library, Gordon Square, London.¹ Roger Morrice, M.A., of St. Catherine's, Cambridge, was ejected from the living of Duffield in Derbyshire under the Uniformity Act of 1662. He died in 1701, having gathered together a great mass of information relating especially to Elizabethan ecclesiastical affairs. Much of this information he communicated to Strype, and the latter often acknowledges his indebtedness to the Nonconformist antiquarian.² For some time during his life Morrice was Chaplain to Denzil, Lord Hollis, and it is probable that this office gave him special opportunities of obtaining his documents.

Dr. Gairdner has already printed Hooper's 'Visitation-Book' for the Gloucester diocese (1551),³ which is in the same collection of manuscripts and in the same hand, and it is worth while comparing the condition of the Edwardian clergy as set forth in that document with the condition of the Staffordshire clergy in 1604, as seen in the return here printed. The present manuscript is marked by numerical inaccuracies and misspellings similar to those of which Dr. Gairdner complains, and, in addition, there are several references which are not at all clear. Nevertheless the

³⁴ 1342, 'In expensis ii garcionum fugantum xiii animalia empta pro lardariis domini de Hoton usque Lymmesfield viii.d.'; 1367. 'Richard Weleuyk senescallus jussit ballivo manerii . . . quod amoveret bidentes de pastura manerii eo quod ipse venire faceret bidentes de manerio de Bryghthoton.'

³⁵ 'Et solum Cardinalibus pro quadam summa eisdem constituta per dominum Papam per manus Roberti Belknap, xii.s.' Cf. Knighton, ii. 98.

³⁶ 1367, 'In expensis super vi. venatores domini Regis vocatos Foxhunes venientes in partibus illis pro vulpibus occidendis per iiiii dies ii.s.' Cf. Round, *Feudal England*, 155.

¹ See *Hist. MSS. Comm.*, Report iii. It is catalogued as 'A Survey of the Several Benefices there, with the condition and character of the Ministers, in or about the time of Queen Elizabeth, showing that there were no preachers in 120 parishes.' The most valuable of these MSS., known to ecclesiastical historians as 'The Seconde Parte of a Register', were used in part by Neal and Brook. They are of very great importance, and a Calendar, in which the important documents will be printed in full, and the rest summarized, is being prepared for the press. Many of the manuscripts in this collection are eighteenth-century transcripts of missing originals, but their authenticity is unquestioned.

² See the Prefaces to his various works. Speaking of Morrice in his edition of Stow's *Survey of London*, Strype says: 'This gentleman was a very diligent collector of ecclesiastical MSS., relating to the later history of the English Church, whereof he left vast heaps behind him.'

³ *Ante*, vol. xix, January 1904.

value of the survey is unquestionable, for, besides showing the number of churches, and the status and qualifications of the incumbents, as well as the extent of lay patronage and impropriation, it sometimes throws light on the size of towns by stating the number of communicants, and also gives some indication of the number of 'recusants'.

The survey is undated, but a careful examination of the incumbents given and additional knowledge gained from local sources make it possible to fix the date almost exactly. For example, the survey (no. 95) gives 'Mr. Bayly' as vicar of Rushall. From other sources we know that Lawrence Bayley was vicar of Rushall from 25 January 1603/4 to 15 September 1604. Again, we are told that Bishop Overton was parson of Stoke (no. 4). This makes it certain that the survey must have been made before 4 March 1603/4, for on that date John Weston was appointed rector of Stoke. Thus these two returns alone help us to fix the date between 25 January and 4 March 1603/4—approximately February 1603/4. Similar collations bring the same result.

On a cursory examination of the manuscript, one was at first tempted to place it with similar surveys in the 'Seconde Parte of a Register' (among the Morrice MSS.), which were prepared by the Puritans for the parliament of 1586. These were made by the Puritan clergy to support their plea for a learned, preaching ministry, and probably it was the memory of these that led the Puritans of 1604 to prepare the list before us.

Exactly how the return was compiled we have no evidence to show. Most likely, however, a similar method was adopted to that in 1584-6, which Bancroft⁴ describes thus :—

Two especial Points (I remember) were concluded in this Assembly : The one was for a Survey of all the Churches in Northamptonshire ; The other . . .

The Survey was to know what every Benefice in the Shire was worth ; how many Souls by a general Conjecture were in every Parish : Who were the Incumbents, and of what Life, Pains and Qualities they were. To this purpose, the fittest Men, and such as were best acquainted in the Shire were nominated ; as Littleton for Haddon Deanery, &c. Which Duty he performed for his part to the uttermost ; and brought a most railing Discourse against every Minister which was not of our Company.

The End propounded of this Survey, was, viz. that if upon Signification unto the Brethren abroad, what was done there, they would likewise make

⁴ *Dangerous Positions and Proceedings. Published and Practised within this Island of Britain, under Pretence of Reformation, and for the Presbyterial Discipline.* Collected and set forth by Richard Bancroft, Doctor in Divinity, then Lord Bishop of London and afterwards Lord Archbishop of Canterbury, iii. 5. This was first published in 1593, again in 1640. This work and the same writer's *Survey of the Pretended Holy Discipline* (1593) were part of the government's endeavours to crush Cartwrightian Presbyterianism.

the like Survey in other Counties : The Parliament (if need required, and to the better furthering of their Purposes) might have a general View of all the Ministers in England that impugned their desires. . . .

Although the time was short for the general accomplishing of those fore-named Points, yet this Examinee thinketh something was done in the First : viz. As he hath heard, a Survey was made to the Purpose before touched of the Ministers in Norfolk, Suffolk and Essex. [To this Bancroft adds a note. ' This Survey hath been made in most shires of England, as by the Surveys themselves to be shewed, it appeareth. They are in manner of Heathenish Libels. ']

The minutes of the classis held at Dedham between 1582 and 1589 also show how the early surveys were made : ⁵

[1584] 20 Meeting. 1 July at Boxford . . .

It was thought good that enquiry should be made of the number of mynisters nere unto us wch are both insufficient in lerninge and notoriously offensive in Liffe. . . .

[1584] 21 Meeting. 3 August at Peldon . . .

Mr Dow and Mr Stocton delt with the gentlemen in Suffolke about the number of ill mynisters as it was before appointed and are enioigned to goe agayne before the next meeting to knowe more fully of them.

No doubt the Puritans of 1604 followed the precedent thus set when they compiled the present list. It only remains for us to discover the immediate cause for their activity at that time, and the task is not difficult. On his accession the new king appeared to be taking a very keen and sympathetic interest in the agitation for a 'learned ministry' and against lay impropriation.⁶ Especially should we note in this connexion a letter of James to the two archbishops ⁷ (26 October 1603), in which he states that, while he desires to uphold religion, he receives such frequent complaints of the paucity of churches and the inefficiency of ministers, that he feels compelled to demand a return as to their number and quality. He also states that where the revenues are insufficient for the maintenance of able ministers, he will supply the lack from impropriate tithes. The Episcopal Surveys for 1603—now among the Harleian and Lansdowne MSS. in the British Museum—are probably those obtained in answer to the king's demand, while the survey printed here was no doubt prepared by the Puritans to set forth the case as it appeared to them.

⁵ *The Presbyterian Movement* (Camden Society), pp. 36-8. See also Strype's *Life of Whitgift*, iii. 275, for the manner of making the surveys.

⁶ For this, see especially the *Domestic State Papers*, James I, vols. ii-iv. At first James seems really determined to restore to the clergy the impropriate tithes which had devolved on the crown. See also the contemporary literature relating to the so-called Millenary Petition and the Hampton Court Conference.

⁷ *Domestic State Papers*, iv. 33.

The bias of both sets of documents is easily seen, and probably the real state of affairs is to be obtained by taking a mean between the Puritan returns and the most flattering episcopal ones.⁸ In this view, and judging from the many returns made throughout Elizabeth's reign,⁹ we infer that while the moral and intellectual tone of the clergy was very low, there was some little improvement as the reign went on, though by 1603 nothing in the nature of a well-equipped, well-supported, resident ministry had been obtained. This is not the place to state the many causes of such a condition of things. The frequent changes of official religion and the custom of licensing preachers to preach that religion had their effect, but the chief cause was the system of lay impropriations, the full force of which was not felt until after the Elizabethan settlement. This system transferred the income of ecclesiastical livings into lay hands, leaving only a bare pittance for the vicar or curate, and thus prevented able men from entering holy orders, while it also did much to accentuate the abuses caused by ordinary pluralism and non-residence.

The manuscript is in tabular form, the details of the 120 parishes being given in four columns. Column i. contains the name and description of the parish and an account of the patronage or impropriation. Column ii. gives the names of the churches and annexed chapels in each parish, and often states the number of communicants and recusants. Column iii. gives the names of the incumbents of the churches and states their character, learning, and stipend, and column iv. simply says whether the incumbent is 'A Preacher' or 'No Preacher', here abbreviated 'P' and 'N' respectively. The footnotes give the modern spellings of doubtful place-names, as well as the names and dates of many incumbents as they are discoverable from sources other than the survey.¹⁰

ALBERT PEEL.

'The Lamentable Estate of the Ministry in Staffordshire.'

1. ANSTENFEILD,¹ a Parsonage. Impropriated to Sr John Harper, worth £200 per annum. Vicarage worth £30 per annum. Patron Sr John Harper. The parish is very great, some dwell 11, some 12 miles from the parish church.

* The summary in Harl. MS. 280, British Museum, is very flattering, but exceptionally valuable in that it gives the totals for all the dioceses.

⁸ The majority are to be found at Lambeth and the British Museum. Some are at the Record Office, and there are a few valuable papers concerning lay patronage in the Bodleian Library. The Puritan surveys in the main are at Dr. Williams's Library. Very few of the episcopal surveys yet remaining in the possession of Cathedral Chapters have been printed.

¹⁰ For most of these identifications I am indebted to Mr. W. N. Landor, J.P., of Rugeley, who is compiling a list of the incumbents of Staffordshire churches in the sixteenth century, and to whom my best thanks are due.

¹ Alstonfield.

Ansteneild parish church; communicants 2,000. Vicar Mr Robt. Aston,² non-resident, pluralitant, a grievous swearer, whoremaster, and drunkard, and very unlearned. N.

Chappells—3.

1. Longnore. Curat Mr Paddy, a meer worlding. A reader without Orders. Schoolmaster. N.
2. Warslow. A reader as the other. N.
3. Elkinston. A reader also, a young scholar, going to a Grammar School all the weeke. Stipend 20^s per annum and his Hollyday Board. N.

2. LEEKE, a Market town, a Parsonage Improprate, held by the most of the parishioners, having bought each one their own tithes; worth £400 per annum. The vicarage worth £10. The Patron, if any one, Mr Thomas Rudiard Esq. The Rectory is very great. People about 4,800.

Leeke parish church. Vicar Mr Ranne.³ N. Mr Pott Stipendarie. P. Churches annexed—three.

1. Horton. Curate⁴ of a loose life. Stipend £5 6^s 8^d.; very ignorant. N.
2. Chedulton. Curate⁵ very ignorant; stipend as afore. N.
3. Ipstones. Curate very ignorant; stipend £4 or £5. N.

Chappells—2.

1. Rushton. Curate without Orders. Stipend what the people will give him. N.
2. Marbroke. Curate William Smallwood, a common drunkard, makeing of unlawfull mariages to the great hurt of the country, tainted with other vile sins. Hath been complained of both to the Bp. and Chancellor, and yet is there still. Stipend what the people will give him.
3. BIDDULPHE, a Parsonage Improprate, held by John Bowyer Esq., worth £20 per annum. Vicarage worth £10 per annum.
Biddulphe parish church; divers recusants. Vicar Mr Raddeley,⁶ very ignorant and very worldly. N.
4. STOAKE UPON TRENT, a very great parish, consisting of 25 townships. Stoake Parish Church. Parson, the Bp. of Lichfield and Coventry.⁷ Curate Mr Lightfoot.⁸ Stipend £10. P.

Churches annexed—4.

1. Newcastle, a Market town, incorporate of Mayor and Bayliffs. A curatship of tithes in kind by the Parson's allowance, worth 20 marks. Curate Mr Marsh. P.
2. Norton.⁹ Curate Roger Teymley, a common drunkard, a common maker of unlawfull mariages, and tainted with other vile sins, as all country knows. The stipend £6. N.
3. Burslem. Curate Mr Wood.¹⁰ Stipend £6. N.

² Vicar 1564–1604. He was also vicar of Standon, where he was buried 2 August 1604.

³ Roger Banne, vicar 1569–1619.

⁴ Richard Mitchell.

⁵ Ralph Turner.

⁶ Richard Badeley, vicar 1579–1619.

⁷ Bishop Overton.

⁸ Thomas Lightfoot.

⁹ Norton le Moors.

¹⁰ Ralph Wood.

4. Whitmore. Curate a boy without orders. N.
Chappells—2.
1. Bucknell. A Reader, Thomas Shaw without orders. Stipend allowed by the yeare £3. N.
2. Bagnald. A Reader without orders, goeth to a Grammar School on workedayes, Thomas Goodwyne. N.
5. ELISTON,¹¹ Improprate to Thomas Fleetwood Esq. Vicarage in the R. bookes £4 12^s. Parsonage worth £120.
Eliston Parish Church. Communicants 600. Vicar Mr Knight,¹² Ignorant. N.
6. ALTON, Parsonage Improprate to Mr Robt. Meverell and Mr Hering, worth per annum £100.
Vicarage in R. booke £5. Worth £30 per annum.
Communicants 120. Vicar Mr Rawlin,¹³ ignorant. N.
7. WETTON, Impropriat. to Mr Burgoyne, the Glebe worth £80, tithes £30 per annum. Patron Hered. Basset.
Communicants 140. Curate ignorant. N.
8. BLOARE,¹⁴ a Parsonage worth £8. Tithes in Patron's hand for the most part. Patron heredes Basset.
Communicants 100. Parson¹⁵ ignorant. N.
9. MAFIELD OR MATHERFIELD, Parsonage, Improprate to Sr Walter Aston, worth £200 per annum. Vicarage in K. booke £3, is worth £30 per annum.
Mafield Parish Church. Vicar, scandalous, ignorant. N.
A Chappell in Butterton. Parsonage tithes Impro. to Mr William Candesh. Vicarage tithes belong to the Vicar.
Curate Mr Higginbothome, of very loose life and ignorant. N.
10. ILAM, Parsonage, Impro. to Mr Porter. Vicarage in K booke £5.
Vicar Mr Mosse,¹⁶ A preacher, weake.
11. WATERFALL, Parsonage, Improprate to Mr Eld. Vicarage worth £46 6^s. 8^d. per annum.
Communicants 190. A Reader,¹⁷ for divers yeares without orders. N.
12. CAWTON,¹⁸ a village standing in 3 or 4 parishes, is but a curatship, maintained, teneñ, bought by the parishioners for that purpose.
Curate, a meere worlding and very ignorant. N.
13. CAWDON,¹⁹ a Parsonage, Impropriat to Mr Adderley.
Curate. Stipend £6 per annum, very ignorant. N.
14. ROWCESTER. Parson., Impro. to Thomas Trentham Esq., in Lease worth £5.
Curate Mr Smythe,²⁰ pension. N.
15. CHEDUL, a parson. proper, worth £6 per annum. Patron Trinity Colledge in Cambridge.
Parson D. Hieron,²¹ Fellow in Trinity Colledge in Cambridge. Non-resident. P.
Curate's pension, £10. P.

¹¹ Ellastone. ¹² John Knight, vicar 1578–1611. ¹³ Thomas Rawlin, vicar 1569–1610. ¹⁴ Blore Ray. ¹⁵ Robert Healde, parson 1578–1619.

¹⁶ Roger Moss, vicar 1590–1632. ¹⁷ Edmund Okeden. ¹⁸ Calton. ¹⁹ Caldon (?).

²⁰ Robert Smith, curate 1566–1621. ²¹ Dr. Samuel Heron, parson 1602–1609 (?).

16. KINGSLEY, a Parson. proper, worth £60.
Kingsley, a parish church. Parson Mr Stedman,²² preacheth seldome, non-resident, pluralitant. P.
17. DILUERNE,²³ a Parson. Impropr., held by one Browne, worth £20 per annum. A vicarage of 20 marks per annum. Vicar Mr Cooke, unlearned, pluralitant, non-resident. N.
18. CARESWELL,²⁴ Parson. Impro., held as Diluerne, worth £20 per annum. A vicarage worth 20 marks per annum. Vicar Mr Turner, placed there this yeare,²⁵ having been a gentleman's household servant many yeares; very ignorant. N.
19. CHECKLEY, a Parson. Impro., worth £6 per annum.
Curate Mr Rathbone,²⁶ stipend £10; a practitioner in Physick, but seldome in Divinity. P.
20. DRAYCOTT,²⁷ a Parsonage worth £40 per annum.
Many recusants. Parson Mr Peinfather.²⁸ N.
21. ASHLEY, a Parsonage worth £30 per annum.
Parson Mr Freeman,²⁹ very slow in preaching. P.
22. MUCKLESTON, a Parsonage worth 100 markes per annum.
Parson Mr Lea,³⁰ offensive to the whole countrey, preacheth very seldome. P.
23. MEARE,³¹ a Parsonage Impro., held by John Bowyer Esq., worth £20 per annum.
Curate Mr Huntbathe.³² Pension £6; a meer worlding. N.
24. MADLEY, a Parson., Impro., held by Mr Offely, worth £5 per annum.
Vicarage worth £10 per annum.
Vicar Robt. Morrice,³³ very ignorant and a weaver. N.
25. BETLEY, a Parson., Impro., held by Edward Egerton Esq., worth £20 per annum.
Curate Ralph Eaton, without Orders. Pension £8. N.
26. ADELEY, a Parson., Impropr., in Lease to one Beeche, worth 100 markes per annum. Vicarage 40 markes.
Awdley parish church. Vicar Mr Kelsall,³⁴ a meere worlding. N.
Talke, a Chappell. Reader Thomas Beech. Stipend 4^s; without Orders. N.
27. WOLSTANTON, Parson. Impro. to the Bishoprick, in farm to Ralph Snead Esq., worth £5 per annum.
Vicarage £30 per annum.
Wolstanton parish church. Mr Stevenson,³⁵ Vicar. P.
Thursfield, a Chappell. A Reader, Stipend 40^s, commonly a boy without Orders.

²² Nicholas Steedman, parson 1580-1607.²³ Dilborne.²⁴ Caverswall.²⁵ Ralph Turner, vicar 1603. In the manuscript the words 'He was vicar there in An^o. 1604' are added, apparently by the transcriber of the original document.²⁶ John Rathbone, curate 1599.²⁷ Draycott-le-Moors.²⁸ William Pennyfather, parson 1583-1610.²⁹ Robert Freeman M.A., parson 1574-1606.³⁰ Thomas Lee M.A., parson 1578-1630.³¹ Maer.³² John Huntback.³³ Vicar 1589.³⁴ William Kelsall, vicar 1590-1609.³⁵ Henry Stephenson, vicar 1588-1618. The manuscript has the addition:—'He was buried there Anno. 1618.'

- Keele, a church annexed; tithes belonging to it worth 20 markes. Curate Ralph Butterton, very ignorant, a common drunkard. N.
28. TRENTHAM, a Parson., Impro. to the Priorie there, belonging to Sr Richard Leveson, worth £6 by yeare.
Curate John Bradwell, pension £10. P.
29. BARLASTON, Parson., Impro., held by Mr Wells, worth £30 per ann. Curate James Bayly.³⁶ Stipend £6. N.
30. SWYNERTON, a Parson., held by the Bp. in commend.; in farm to Mr Gattichar, a Papist, worth £5 per ann.
Curate John Beardmore.³⁷ Pension £10. N.
31. STONE, a Parish, great, a Market town. Parson., Impro., held by Mr Barber, worth £200.
Stone parish church. Curate Barnabe Willate,³⁸ pension £11. N.
Fulford, a Chappell. Curate, commonly a boy, pension £4. N.
32. ADBASTON, Parson., Impro. to the Deane of Litchfield, of 4 Townships and divers granges.
Curate Mr Cowper.³⁹ Stipend £8. N.
33. HIGH OFFLEY, a Vicar., £40 per ann.
Curate Mr Skelton,⁴⁰ utterly unlearned and a meere worlding. N.
34. ECCLESHALL, Parson., Impro. to Dean and Chap. of Lichfield, worth £300 standing, of 25 Townships. Vicarage worth £20.
Eccleshall parish church. Communicants 1,300. Many recusants.
Vicar Mr Stephenton.⁴¹ P.
Chappells—2.
1. Chames. Reader William Gratbatch, a young scholar, presented with Anne Potter for fornication. Stipend 40s. N.
2. Chalton. Reader William Cowaper, a milner. Stipend 40s. N.
35. NORBURIE, Parson., worth £40 per ann.
Curate Mr Redding.⁴² N.
36. FORTON, a Parson., worth £100 per ann.; of 6 or 7 Townships.
Parson Mr Martyne,⁴³ very unlearned and of loose life. N.
37. CHEBSY, Parson., Impro. to the Deane and Chap.
Vicar Mr Whitmore,⁴⁴ very famous for his skill in gameing and specially in Bowling. N.
38. SEIGHFORD, Parson., Impro., held by lease by Mr Rich. Eld, Gent., worth 100 markes; held from the K. Matie. Some recusants. Vicar Mr Erdley.⁴⁵ N.
39. ELNALL, a Parsonage.
Reader Mr Alsop,⁴⁶ very unlearned. N.
40. RONTON, a Parsonage.
Reader, the said Mr Alsop, and besides in these two places, he readeth commonly in a Gentlewoman's house each Sabbath.

³⁶ Curate 1588–1621.³⁷ Curate until 1604.³⁸ Barnabas Willet.³⁹ William Cowper, curate until 1616.⁴⁰ Curate until 1604.⁴¹ Roger Stephenton, vicar 1579–1606.⁴² James Readyng or Riddings, curate 1580–1617.⁴³ Thomas Martin, parson 1582–1635.⁴⁴ Humphrey Whitmore, vicar 1573–1617.⁴⁵ John Yeardeley or Yardley, vicar 1581.⁴⁶ Francis Alsoppe, died 1624.

41. STAFFORD, the shire town. Parsonage proper. Patron the K. Matie; worth £60.
St. Maries parish. Communicants, 2,000. Many recusants. Parson Mr Palmer,⁴⁷ non-resident, pluralitant. P.
St. Chad, another church in Staff.
42. CASTLE parish. Parson., Impro., held from the K. Matie by Mr Crompton, worth £40 per ann.
Many recusants. Curate Mr Coxe.⁴⁸ N.
43. BRADELEY, Parson., Impro. to the Archbishoprick of Dublin, worth £100. Patron Simon Dickenson, Gent. Vicarage worth £10.
Bradley parish church. Some recusants. Vicar. N.
Billington Chappell. Reader an husbandman; pension 16 groats. N.
44. PENKRICK, a colledge dissolved, held from the K. Matie by Sr Edward Littleton in fee farme, worth by yeare £250. Rent paid to the King for the same, £69 8s, out of which rents are deducted all the stipends of the ministers' maintenance who belong to that parish. In the Chappells following be two vicarages impro., concealed (as it is thought), the one held by Henry Chomley, gent., worth 20 markes, the other by Gregory Horton, worth as much.
Penkrick parish church. Communicants 1,100. Recusants, men 4; women 14. Minister Mr Johnson. Stipend £16. P. His assistant Mr Parker, wages £8. P.
Churches annexed—Shurshill. Curate's stipend £6. N.
Chappells—2.
1. Copenhall. Curate's stipend £4. N.
2. Stretton. Curate a layman. Stipend £3 3s. 4d. N.
45. CHURCH EATON, a parson. worth £60, paid out of it to the K. Matie, £01.⁴⁹ Patron Gualter Chetwynd Esq.
Some recusants. Parson Mr Jennings.⁵⁰ N.
46. BLIMHILL, a parson. worth £60; the parson hath the Advowson for the Patrons.
Parson⁵¹ was a Mass Priest. N.
47. HALANGTON als HAUGHTON, parson., proper, worth £40. Patron John Walter, by purchase from Mr Bowse.
Parson Mr Falconer.⁵² Pluralitant. N.
48. LAPLEY, Parson., Impro. to the K. Matie, worth £30 per ann., held by Mr Brooke, communicant.
Vicarage worth £20. Patron Mr Brooke.
Some recusants. Vicar,⁵³ a swearer, a drunkard. N.
49. BREEWOOD, Parson., annexed to the Deanery of Lichfield, held by Lawrance Seller, worth £100.
Vicarage worth 20 markes. Patron Deane of Lichfield.
Very many recusants. Vicar⁵⁴ a notable swearer and drunkard. N.

⁴⁷ John Palmer, M.A., parson 1587.⁴⁸ John Cox, died 1621.⁴⁹ Probably a slip for £10.⁵⁰ William Jennings, parson 1585-1642 (?). ⁵¹ Ralph Macefen, parson 1555-1606.⁵² John Falconer, parson 1577; also vicar of Alrewas.⁵³ Richard Bromfield, vicar 1596-1638.⁵⁴ Roger Turner, vicar 1586.

50. BASWICK als BERSWICK, Parson., Impro. to the Deane of Lichfield, worth £60. Vicarage worth 20 markes.
Baswick parish church. Vicar, a Mass Priest. N.
Chappells annexed.
1. Acton Trussall. Vicar. N.
2. Rednall. Many recusants. Vicar's stipend 20 markes. N.
Curate's stipend £5.
51. SHERIFF-HALES, Parson., Impro., held by Sr Richard Leveson, worth £60.
Curate. N.
52. WESTON-UNDER-L[1]ZARD, a parson., worth £40.
N.
53. TYXALL, parson. proper, worth 40 markes. Patron Sr Gualter Aston.
Parson Mr Smyth,⁵⁵ of loose life. N.
54. CANNOCKS, Parson., Impro. to the Deane and Chap. of Lichfield, worth £50, held by Mr Golman. People 400, almost all Papists, as is commonly seen in the Jurisdiction of the Deane and Chap. of Lichfield.
Curate's pension £8. N.
55. COLWICH, Parson., Impro. to the Deane and Chap. of Lichfield, worth £60 per ann. Vicarage worth £20. Patron a Prebendarie.
Recusants. Mr Peerson,⁵⁶ non-resident. N.
Curate Mr Ady, a whoremonger, drunkard, gamester. N.
56. RIDGLEY,⁵⁷ Parson., Impro. to the Cathed. Church of Lichf., in Lease worth £40. Vicarage £24. Patron Deane of Lichfield.
Some recusants. Vicar Mr Ady,⁵⁸ a gamester, a drunkard. N.
57. COLTON, Parson., £32. Sir Tho. Gaysley the Patron.
Parson Mr Hunt,⁵⁹ of loose life. Preacher, weake.
58. WASTON-UPON-TRENT, Parson., Impro., in Lease, worth £40, held by Mr Blade, a Recusant.
Some recusants. Curate's ⁶⁰ pension £6. N.
59. BLEFEILD,⁶¹ Parson., £30. Patron Mr Bagott.
Parson Mr Cooke,⁶² non-resident, pluralitant. N.
Curate's pension £8. P.
60. GAYTON, Parson., Impro.
Curate leud. Pension £6. N.
61. STOW,⁶³ Parson., Impro., in lease, worth £40.
Curate Mr Bolton, a great gamester. Stipend £8. N.
62. MILWICHE, Parson., Impro., Vicarage £10.
Vicar.⁶⁴ N.
63. ENGLESTREY,⁶⁵ Parson £30. Patron Mr Chetwynd.
Parson Mr Greenwood.⁶⁶ P.
64. GRATWICHE, Parson., in Lease worth £20. Patron Mr. Chetwynd.
Curate ⁶⁷ leud, not in Orders. Pension £5. N.

⁵⁵ Ralph Smith, parson 1588.⁵⁶ Richard Pearson, vicar 1592.⁵⁷ Rugeley.⁵⁸ Nicholas Adey, vicar 1575-1620.⁵⁹ Christopher Hunt, parson 1592-1651 (?).⁶⁰ Robert Faux.⁶¹ Blithfield.⁶² Richard Cooke, parson 1573-1610 (?). Also vicar of Dilhorne, where buried 1617.⁶³ Stowe by Chartley.⁶⁴ Thomas Ryddinges, vicar 1589-1610.⁶⁵ Ingestre.⁶⁶ John Greenwood, M.A., parson 1597.⁶⁷ Richard Fowell.

65. SANDON, Parson., Impro., Vicarage worth £24. Patron M^r Earswicke. Vicare.⁶⁸ N.
66. KINGSTON, Parson., in Lease, worth £30. Patron M^r Blunt. Curate M^r Linney. N.
67. UTTOXATOR, a Market towne, a great parish. Parson., Impro., in Lease worth £11. Vicarage £30. Patron Deane of Windsor. People 1,600. Recusants some. Vicar M^r Barnes,⁶⁹ ignorant and scandalous. N.
M^r Rusher, Schoolmaster, preacheth each other Sabbath. P.
68. BRAMSHALL, Parsonage worth £20. Patron Sir Fulke Greevel. Parson M^r Key.⁷⁰ P.
69. LEIGHE, a Parson., worth £100. Patron Hereds. Aston. People 500, many recusants. Parson M^r Palmer,⁷¹ non-resident and pluralitant. P.
70. BROMLEY ABBOTS als PAGETS, a Market towne. Parson., Impro. to the Abby of Burton, in Lease worth £80. Vicarage £16. Patron M^r Pagett. People 700. Vicar M^r Stone.⁷² P.
71. HANDBURIE, Parson., Impro. to the Bp. of Coventrey, worth in Lease £140. Vicarage worth £30.
Handburie Parish Church. People 800. Vicar M^r Hill.⁷³ P.
Moukinton, Church annexed. Curate's pension £10. P.
Newborrow, a Chappell. Curate's pension £6. N.
72. TUTBURY, Parson., Impro. to the Abby there. Vicarage £12. Patron the King.
Some popish. Vicar M^r Naile,⁷⁴ of a scandalous life, seldom preacheth. P.
73. ROLESTON, Parson. proper, worth £60 per ann. Patron Chancellor of Dutchy of Lowe (*sic*).
Parson M^r Rolestone,⁷⁵ a worlding. N.
74. BURTON-UPON-TRENT, a great parish. Parson., Impro. to the Abby there, holden by William Paget. People 1,500. Curate M^r Hassall.⁷⁶ Pension £40. P.
75. YOXALL, a parson., worth £60. Patron M^r Hollys.
Many popish recusants. Parson M^r Waterhouse,⁷⁷ pluralitant and non-resident. P.
76. TATTENHILL, a great parish. Parsonage £140. Patron Chancellor of the Dutchy of Lancaster.
Tatenhill Parish Church, People 800. Parson D. Babington,⁷⁸ non-resident, pluralitant. P.
Barton, a church annexed. Curate's pension £10. P.
Wichnor, a church annexed. Curate's pension £6. N.
77. PIPE RIDWARE, Impro. to Lichfield church.
Some popish. Curate. N.

⁶⁸ Peter Bordman, vicar 1598.⁶⁹ Thomas Barnes, vicar 1566-1616.⁷⁰ Thomas Key, parson 1590 (?) - 1636.⁷¹ John Palmer, parson 1601.⁷² George Stone, vicar 1586-1626.⁷³ Richard Hill, M.A., vicar 1602-10.⁷⁴ Thomas Neale, B.A., vicar 1595-1627.⁷⁵ Edward Roleston, M.A.⁷⁶ John Hassall, curate 1601.⁷⁷ John Waterhouse, M.A.⁷⁸ Bruce Babington, D.D., prebendary of Bishopshull, parson 1596.

78. HAMSTED RIDWARE, Parson., worth £80 per ann. Patron heires of Fytzherbert.

Many popish and recusants. Parson Mr Digby,⁷⁹ a leud man. N.

79. MATASTON⁸⁰ RIDWARE, a Prebend. Impro. to the Church of Lichfield. Parson Mr Langton.⁸¹ N.

80. KING BROMLEY, a prebend. Impro. to the Church of Lichfield. Curate Mr Mote, seldome preacheth. P.

81. ALDERWAS,⁸² a prebend. Impro. to the Church of Lichfield. Vicar. tithes £5 6s. 8d.

Vicar Mr Falconer,⁸³ non-resident and pluralitant. N.

82. EDINGALE, a prebend. Impro. to the Church of Lichfield.

Curate Mr Boydell. Stipend £4. N.

83. WHITINGTON, a prebend. Impro. to the Church of Lichfield, £4 8s. 9d. Vicarage a donative, nothing in the K. bookes, worth £20 per annum. Donor Mr Fowler Esq.

Vicar Mr Brat, a leud man. N.

84. CLIFTON CAMVYLE, Parson. proper, rated £30. Patron Mr Heningham Esq.

Clifton Parish Church. Parson Mr Walkedyne. P.

Chappells—2.

1. Chilcote. Curate. P.

2. Harlaston. Curate Mr Gilbert. P.

85. ELFORD, Parsonage proper, rated £13 6s. 8d. Patrons Sr John Bowes and Mr Brooke Gent.

Parson Mr Hill.⁸⁴ P.

86. THORP,⁸⁵ not Impro. Rated £5 5s. 5d. Patron Mr Burdet Esq.

Parson Mr Aston.⁸⁶ N.

87. HASTER,⁸⁷ a Parson., Impro. to the church of Lichfield.

Neither Vicar nor Curate. N.

88. DRAYTON BASSET, Parson. proper, worth £60 per ann. Patron Countesse of Leicester.

Parson Mr Paston,⁸⁸ non-resident and pluralitant. P.

89. []⁸⁹ Parson., Impro. to the Cathedrall church of Lichfield, worth £30.

Some recusants. Parson and prebendary D. Hinton, Archdeacon of Coventry. Non-resident and pluralitant. P.

Curate Tho. Hargrave, of leud life. N.

90. NORTON, Parson., Impro., in the hands of Mr Fowke, worth £30.

Many popish. Curate's pension £8. N.

91. FARRALE,⁹⁰ Parson., Impro., in the tenor of Mr Paget, worth 20 (?).

Many popish. Curate's stipend £6, paid by Mr Paget. N.

92. LONGDON, Parson., Impro. to the Dean and Chap. of Lichfield or to Mr Paget, worth £50. Vicarage worth £30.

Some recusants. Vicar a worliding, seldom preacheth. P.

⁷⁹ Edward Digby, parson 1601–26.

⁸⁰ Mavesyn Ridware.

⁸¹ Peter Langton, parson 1602–4 (buried 14 January 1603/4). This is Peter's successor, John Langton, who died in 1648.

⁸² Alrewas. ⁸³ John Falconer, vicar 1568. See Haughton (no. 47).

⁸⁴ John Hill, parson 1585–1622.

⁸⁵ Thorpe Constantine.

⁸⁶ Robert Ashton, parson 1558.

⁸⁷ Haselour (?).

⁸⁸ George Paston, M.A.,

parson 1586.

⁸⁹ Weeford. The MS. is blank.

⁹⁰ Farewell.

93. SHENSTON, Parson., Impro. to the K. Matie; the Glebe Land is held by Lease by Mr. Roger Fowke Esq., and the tythes by Sr Tho. Holt, worth £60 per annum. Vicarage worth £26 per annum. People 500, some recusants, many popish. Curate Mr Aston. Arraigned of Felony. N.
94. HANESWORTH,⁹¹ a parson., worth per ann. £120. Patrons Sr John Bows and Sr Robt. Stanford. Some recusants. The Parson is a bad liver.
95. RUSHALL, Parson., Impro. to Sr Edw. Leigh, worth £20. Vicarage worth as much. Patron Sr Edw. Leigh. Vicar Mr Bayly.⁹² P.
96. ALDRIDG, Parson. worth £80. Patron, Mr Longfield. Aldridg parish church. Parson Mr Scott,⁹³ a good lawyer. N. Chappell annexed. Many recusants.
97. LICHFIELD, a Cathedrall Church with 3 parishes in the city. The Impro. belongs to the Deane and Chapter, worth £200. People 6,000. Many Popish. Mr Paston,⁹⁴ one incumbent of the 3 parishes, receiving of the Deane and Chapter £30 per ann., and paying £3 apiece to 3 curates. Non-resident and pluralitant. No ordinary preachers in the whole city. N.N.N. One Chappell annexed. Many popish. Curate's stipend £3. N.
98. TAMWORTH, a town incorporate of Bayliffs. Impro. to the K. in Lease, rated £57 6s. 8d. in the K. booke of tenths. Tamworth parish church. People 2,000. Mr Mould,⁹⁵ non-resident. P. Curate's stipend £16. N. Chappells—3. Many recusants.
99. WALSALL, a Parson., Impro. to Sr Edw. Leigh, worth £80 per ann. Patron either the Master of Wards or Mr Littleton's widow. Walsall parish church. Communicants 2,000. Many recusants. Vicar.⁹⁶ N. Mr Sclater, Schoolmaster. P. A Chappell. Curate's stipend £3. N.
100. WEDNESBURY, Parson., Impro. to the K. Matie, worth £30. Vicarage as much. Patron the King. Some recusants. Incumbent Mr Dolphine,⁹⁷ sometimes preacheth. P.
101. WESTBROMRY, Parson., Impro. to Mr Whorwood, worth £60. Many popish. Curate's pension £6; a layman. N.
102. SODGLEY,⁹⁸ Parson., Impro. to Edw. L. Dudley. Vicarage worth £40. Vicar Mr Brown.⁹⁹ Pluralitant, non-resident. P.
103. DARLASTON, Parsonage worth £26. Patron Mr Offley, Citizen of London. Incumbent Mr Burton,¹⁰⁰ non-resident, pluralitant. P.

⁹¹ Handsworth.⁹² Lawrence Bayley, vicar January 1603/4–September 1604.⁹³ John Scott, parson 1575–1622.⁹⁴ George Paston, incumbent 1594; also parson of Drayton Bassett (no. 88).⁹⁵ Roger Mold, 1578 (?).⁹⁶ Robert Wilson, vicar 1575.⁹⁷ Richard Dolphine, incumbent 1597–1619.⁹⁸ Sedgley.⁹⁹ Richard Brown, M.A., vicar 1573.¹⁰⁰ James Burton, incumbent 1591.

104. BYSHBY,¹⁰¹ Parson., Impro., worth £40 per ann. Vicarage worth £30. Patron St Edward Littleton. Many popish. Many recusants. Incumbent a meere worlding. N.
105. WULVERHAMPTON, a Collegiat church. Impro. to the K. Matie or Deane of Windsor; value of lands belonging to it is £600 per ann. There be 7 Prebends and a sexton under them. 7 Stipendaries. The allowance for 4 of them is 10 nobles apiece, for the other 3 six pounds apiece. Six of these Prebends be held by St Gualter Leveson, the other is held by another. The rent reserved to the Deane of Windsor, £38.
- People 4,000. Many popish. Many recusants.
- Chappells—3.
1. Pelsall. Curate's stipend £4. N.
 2. Wilnall. Curate hath no stipend reserved. N.
 3. Bilson. Curate hath no stipend reserved. N.
- These curates, specially two of them, Mounsell and Cowper, be notorious drunkards and dissolute men.
106. TETNALL, a Colledge dissolved, 5 Prebends and a Deane. Impro. to the K. Matie, worth 300 markes. The Dean's stipend reserved is 1^d ob.¹⁰² One Prebend is held by St Richard Leveson, one by Mr Gualter Wriotesley, two by Richard Creswell.
- Curate's stipend 20 markes. N.
107. CODSALL, Prebend of Tetnall.
- Curate, Prebendary of loose life. N.
108. WOMBORNE, a Parson., Impro., held by Hugh Wriotesley Esq. Worth £40. Vicarage worth £26. Patron Edward L. Dudley.
- Vicar¹⁰³ pluralitant. N.
109. PEN, Parsonage, Impro. to the Vicars of Lichfield, worth £20. Vicarage worth as much. Patrons the Vicars of Lichfield.
- Vicar. N.
110. KNIVAR,¹⁰⁴ Parson., Impro. to the K. Matie, held by Lease by Mr Whorwood, worth £50.
- A stipendary, £10. P.
111. PATINGHAM, a Parson., Impro. to the K. Matie, held by Edw. Giffard, Gent., non-communicant. Worth 40 markes. Patron the K. Matie.
- Vicar Mr Cooke,¹⁰⁵ unlearned. N.
112. ENFEILD,¹⁰⁶ Parson., worth £100. Patron Mr Whorwood.
- Parson, Mr Columbyne,¹⁰⁷ non-resident et pluralitant. P.
113. TRISALE, Parsonage worth £20.
- Parson,¹⁰⁸ non-resident et pluralitant. N.
114. HYMLEY, Parson., worth £20. Patron Edward L. Dudley.
- Parson. N.

¹⁰¹ Bushbury.

¹⁰² It is doubtful what this sentence means. In contemporary Puritan literature, however, we often have contemptuous references to 'three-halfpenny priests'. This may be a similar allusion to the Dean's demerits, or merely a way of stating that he got nothing from the living.

¹⁰³ Anthony Hunte, vicar 1597.

¹⁰⁴ Kinver.

¹⁰⁵ William Cooke, vicar 1582-1613.

¹⁰⁶ Enville.

¹⁰⁷ John Columbyne, S.T.B., parson 1597.

¹⁰⁸ Anthony Hunte, parson 1592-1623 (?). Trysull was held with Wombourne.

115. HAGLEY. N.
 116. SWYNFORD [SWYMFRIE],¹⁰⁹ Parsonage worth £40. Patron Edw. L. Dudley. N.
 117. BROOME. N.
 118. CLENT.¹¹⁰ N.
 119. GRYNDON, a Parsonage proper. Patron Mr Basset.
 Grindon parish church. Parson Mr Thorley,¹¹¹ of scandalous life. P.
 A Chappell—Oncoate.
 Curate Ralph Salt, a leud young man without Orders, and out of
 all good order weareth a feather in his hat. N.
 120. STANDON, Parsonage worth £60 per annum.
 Parson M^r Robert Aston,¹¹² Non-resident, pluralitant. A grievous
 swearer, whoremaster, drunkard, and very unlearned. N.

There be No Preachers in

Parish Churches 83

Churches annexed and Chappells 35

So that there be 118 congregations which have no preachers, neither
 have had, (for the most,) now more than 40 yeares.

Non-Residents and Pluralitants 16

Whereof Preachers 11

No Preachers 5

There be 18 congregations served by Laymen, By Scandalous . 40

Parsonages Impropriat at the least 75

In these 120 Parishes, 120 No Preachers, who be in some of Ministers.
 besides many mo in the Cathedrall and Collegiat churches.

There be about 10 more parishes the estate whereof is not yet known.

¹⁰⁹ The rector was Nicholas Paston 1577-1616 (?).

¹¹⁰ Incumbent Robert Cleye 1598 (?)-1610.

¹¹¹ Lawrence Thorley, B.A., parson 1586-1607.

¹¹² Parson 1570-1604; also vicar of Alstonfield (no. 1).

Reviews of Books

The Roman Empire; Essays on the Constitutional History (A. D. 81—1081). By F. W. BUSSELL. 2 vols. (London: Longmans, 1910.)

THE first of these volumes consists of an introduction, sixteen essays on Roman history, treated in periods, during the thousand years covered by the title, and a general review of the whole subject; and the second of a short narrative of facts, an account of the part played by Armenia and the Armenians in the history of the empire, which is continued to 1120, and a revised narrative of the so-called twenty-two years of anarchy (695–717). The author expressly states that his work is subjective, not objective, and makes no claim to be an authority on details, and it would therefore be ungenerous and superfluous to call attention to the numerous errors to be found in the book: but it is to be regretted that he did not choose a narrower field and make a deeper study of the literature dealing with it. No one acquainted with modern research could make John Malala an author of the seventh or eighth century (ii. 89); and, though the spuriousness of the Secret History of Procopius, maintained in vol. i, is abandoned in vol. ii, Dr. Bussell ascribes the establishment of its genuineness to Professor Bury (ii. 39) and not to its real author, Haury. The excessive wideness of scope indeed applies not only to the whole subject chosen, but to each separate essay; for, though each chapter is supposed to be confined to a particular period, the chapters in fact range not only over the whole history of the empire (with many repetitions), but over the whole history of the world, especially of modern times: in fact the first volume might well be described as essays on political science illustrated from the history of the Roman empire. Some of the author's remarks are suggestive, as e.g. the proposition (i. 252) that freedom depends not upon the form of the constitution but upon the fact that the functions of government are carried on by ordinary citizens, not by a professional class; but the analogies between the movements and institutions of the empire and those of our own day are often fanciful, and the application of such terms as 'Unitarian,' 'Protestant,' and 'Socialist' to men of those times is wholly misleading.

The style is involved, and abounds in obscure expressions and allusions. I have, for instance, no notion who the Alexander of i. 220 and the George of ii. 452 are, nor do I understand the meaning of 'rank' in i. 253 l. 20 (is this a misprint?), or the reference to M. Pobyedonostcheff in ii. 121. I must also confess ignorance as to the identity of the 'dualist renegade' (whatever this may mean) who was burnt alive (i. 266); I do not know who are meant by 'Justinian's subjects on either side of the Danube' (ii. 273);

and the meaning of 'invertebrate quadrisyllables' (i. 308) is wholly beyond me. Some of these obscurities are perhaps the result of carelessness, which has in several places produced incorrect or ungrammatical sentences, as in i. 161 l. 23; 223 penult.; 271 l. 18; ii. 299 ll. 22, 23; 336 ll. 18, 19; 446 ll. 33, 34; 455 l. 17. In i. 173 l. 29 'patrimony' seems to have been inserted for the sake of the paronomasia with 'patrician' and 'patriarch', for it is hard to attach any meaning to it. Equally obscure is 'colonial secretariat' in i. 205 l. 18. 'Salophacidus' (i. 205) is no doubt a misprint, while in ii. 144 '1181' is a slip for '1081', and in ii. 337 l. 16, 'fifth' for 'fourth'; and in ii. 289 the date 1059 cannot have been intended. A more careful revision would perhaps also have removed some inconsistencies, such as that between i. 253, where Tiberius II is said to have been weak and short-sighted, and i. 257, where he is represented as manfully confronting difficulties.

The exuberant obscurity of Dr. Bussell's style often makes it difficult to discover what his real opinions are, but it seems probable that one of the objects of the work is to defend the imperial system. He has a good word to say even for the administration of Domitian, and he strongly maintains that the third century, in spite of the insecurity of the occupancy of the throne, was in fact a period of progress under conscientious rulers. It is very likely that this period has been treated with undeserved contempt; but Dr. Bussell's defence is vitiated by his use of the worthless statements of the Augustan history and the spurious documents contained in it. In the later period he goes quite counter to received notions in insisting upon the mildness of Byzantine punishments; but nevertheless I believe that he is right. The mutilations and blindings, which are so shocking to our sentiments, are not a mark of cruelty, but of respect for human life. In earlier times and in medieval Europe the victims would have been put to death. The argument that the change from 'comes sacrarum largitionum' to *λογοθέτης* implies the degradation of the finance minister to the position of a clerk and the resumption of financial control by the emperor in person is surely a misunderstanding. The functions of the office, like that of any other office, were naturally modified by time, but this has nothing to do with the change of title, which is merely part of the gradual adoption of Greek as the official language in place of Latin, which began under Justinian. But any confidence which we might feel in the author's judgement and his grasp of facts cannot but receive a shock when we meet with such strange statements as that (i. 218) Justinian 'belonged to the school of Tiberius' (I should have thought it hard to imagine two men more unlike) and (i. 248) that under Phocas 'the beacons of the Persian host' (they crossed the Euphrates two months before his death) 'might perhaps have been seen by the more venturesome outposts of the Avars'; nor can we place much trust in his reproduction of his authorities when we find (ii. 254) *μηδένα τῶν ἐν στρατείαις εἶν πολλῶν εὐπορεῖν* (not to allow any official to enjoy large emoluments) rendered by 'keep the supplies down during the campaigns'.

The most useful part of the work is the sketch of Armenian affairs. It is rare to find a writer on the relations between the empire and the eastern peoples treating his subject from both sides, and the importance of the

part played by Armenians in imperial affairs from the time of Heraclius onwards deserved greater prominence than has hitherto been given to it. Moreover, Dr. Russell has the advantage of being able to make use of the history of Stephen of Taron, which until the appearance of Gelzer and Burckhardt's translation in 1907¹ could be read only in Armenian or Russian. Unfortunately the utility of his narrative for purposes of research is greatly impaired by its brevity and by the complete absence of references, which, perhaps defensible in the rest of the work, is inexcusable where new ground is broken.

E. W. BROOKS.

A Roman Frontier Post and its People; the Fort of Newstead in the Parish of Melrose. By JAMES CURLE, F.S.A. Scot., F.S.A. (Glasgow: Maclehose, 1911.)

THE fortunate possessors of this beautiful book will owe a deep debt of gratitude to the Society of Antiquaries of Scotland for their lavish outlay in producing it; whether those whose purse is not long enough to afford so great a luxury will feel the same is another question. But let it be said at once that if so sumptuous a publication of the remains of a Roman frontier fort were deemed necessary, it could not have been entrusted to better hands than those of Mr. James Curle, whose work is beyond praise. We would only express a slight regret that since it was decided to publish on this scale, with illustrations of practically every fragment of ancient handiwork, it might have been well to defer the issue of the work until the site had been exhausted. On p. 139 we read that some half-dozen pits were discovered and cleared out while the volume was passing through the press; and from p. 155 it appears that in one of these there was found (associated with early pottery) an interesting fragment of decorated leather-work, similar to that figured on plate xxi, an illustration of which (in view of the rarity of such objects) would have been most acceptable.

Lying under the shadow of the triple peak of Eildon—assuredly the Trimontium (Τριμόντιον) of Ptolemy—the site of Newstead revealed itself to the unerring eye of Agricola as the key to the route northward from the Tweed, the crossing of which river it controlled; and a large camp, 49 acres in extent (exceeded in area only by that of Inchtuthil amongst those of Scotland), which crowns the ridge, was most probably occupied by his force on its northerly advance. At any rate, there can be no doubt that the early fort of irregular shape was, like that of Bar Hill (cf. *ante*, xxii. 613, 1907), the work of Agricola. The traces of successive occupations and abandonments have been studied with the utmost care, and the result is to show that the Roman tenure of the position falls into two periods—the earlier beginning with Agricola and lasting into the second century of our era, the later commencing in the Antonine age and interrupted towards the close of the reign of Pius by a temporary retirement from the territory north of the Vallum. Mr. Curle's study possesses great value as an example of archaeological method. The use of converging lines of evidence could not be better illustrated. Not only are the traces

¹ See *ante*, xxiii. 343.

of rebuilding, filling up of ditches, &c., made to tell their tale, but the evidence of the finds of coins and pottery is utilized to the full. The coins have been studied by Mr. George Macdonald, and besides confirming the conclusion arrived at several years ago by Professor Haverfield as to the date at which the Scottish lowlands were finally abandoned by the Romans, help us in determining the approximate length of the first period of occupation of Newstead. The evidence of the pottery is most skilfully used by Mr. Curle, who is not only familiar with what others, such as Dragendorff and Déchelette, have written on this subject, but has a first-hand knowledge of the continental material equal to that of his authorities.

The picture presented to us of the fort and its buildings is hardly as complete as might be wished. This is partly due to the almost entire destruction of the stone-work by quarrying, but partly also to the method of excavation adopted from motives of economy. In Mr. Curle's words (p. 42), 'the only building within the fort which was laid bare in anything like its entirety was the Principia; the rest were merely outlined by following the walls, diagonal trenches being cut across any chambers which were discovered.' The drawbacks of this method are admitted by Mr. Curle; and it is possible that if the expense of removing the earth from the whole excavated area could have been met, more definite conclusions might have been drawn as to the number of troops quartered at Newstead, and the accommodation provided for them. As it is, we are less fully informed about its arrangements than we are about those of Gellygaer or Housesteads. The *principia*, it may be remarked, are the largest hitherto excavated in Britain. On p. 69 Mr. Curle quotes the opinion of Domaszewski, expressed several years ago, that there is no proof of the provision of a *quaestorium* for a permanent camp. It is, however, generally agreed that Novaesium furnishes an example of such a building, at least in its earlier period.

One or two points of detail may be noted. The plan of the fort might have been made more helpful by a little additional expense in colouring. Red tint has more than one meaning, and the alterations of the *principia* are not made clear. The embossed plates of bronze upon one of which is a suggestion of an *imago clypeata* (why not *clipeata*?) are said to recall the disks decorated with imperial heads in high relief, which formed part of 'a Roman standard' (p. 178). This is too general a statement; it was the standards of the household troops only which were so decorated. However, Mr. Curle may be right in his suggestion that the disks were used on parade-standards, just as the superb helmets with visor-marks (plates xxix, xxx) were doubtless used as tournament-armour. There are misprints on pp. 112 ('Rhenizabern'), 162 ('43' for '13'), 183 ('Vigne' for 'Vigna'), 184 ('veterent' for 'verterent').

H. STUART JONES.

Notes on the Calendar of Coligny. By Sir JOHN RHŨS. (Proceedings of the British Academy, 1910.)

THE archaeology of Western Europe presents no more fascinating puzzle than the fragmentary calendar which was disinterred some thirteen years ago near Coligny in the neighbourhood of Lyons. Ingenious French savants

have succeeded in piecing together in their proper order the shattered fragments of brass on which the document is engraved, but little has been done as yet towards interpreting the contents. We have the names of the twelve months, and some of these names have been explained with more or less plausibility. But of all the entries which occur in the five years covered by the Calendar, hardly one has received an explanation that can be considered certain or even probable. This is not surprising, the remains of the Gaulish language—or languages—being so slight, and our information as to the customs and culture of the Gauls so imperfect as they are. We do not even know in what language the Calendar is composed. Sir John Rhŷs agrees with Mr. E. W. B. Nicholson in regarding it as ‘Sequanian’, while Thurneysen protests against separating it from the general speech of Gaul. Whichever of these views may be preferable, it is at least tolerably certain that we have to do with a member of the Celtic family, and the only hope of solving the riddle is to be found in analogies drawn from Irish, Welsh, or some of the cognate languages. Attempts have been made to discover such analogies by Thurneysen, in the *Zeitschrift für Celtische Philologie*, by Mr. Nicholson in his *Celtic Researches*, and by Sir John Rhŷs, in his *Celtæ and Galli* and in the present paper. The methods of the three are very different. Thurneysen, with his usual caution, has refrained from offering explanations, except in a very few cases where the evidence will stand the test of scientific philology. The other two scholars are much more daring. Mr. Nicholson places too much confidence in Irish lexicographers, who are dangerous guides at the best; nevertheless, he has made some ingenious guesses. The case is one where guessing is excusable, and Sir John Rhŷs has no scruples in using his faculty of divination. It was applied in his *Celtæ and Galli* mainly to the interpretation of the names of the months and of other words which occur repeatedly in the Calendar. In the present paper he combines philology with the study of customs, and endeavours to show that the Calendar preserves traces of religious ritual and of tribal institutions analogous to those of the insular Celtic peoples. It is probable enough *a priori* that many of the entries in the Calendar have such significance, could we only find the key. That is precisely what makes the problem so interesting. But it is a question whether the parallels adduced by Sir John Rhŷs rest on any secure foundation. In every case they depend ultimately on the interpretation of a ‘Sequanian’ word by means of Goidelic or Brythonic analogies; and the author’s procedure in philological questions is more ingenious than convincing.

The most important part of his argument is his attempt to show that a god Rivos is mentioned in certain entries under the 4th and 13th days of the month Rivros, which corresponds to our August; that Rivos is identical with Lug, who seems to have been a leading figure in the panceltic mythology; and that the ceremonies in honour of Rivos correspond to the Irish *Lug-nassad*, a gathering held in the beginning of August. All this would be very interesting if it could be established; unfortunately it depends ultimately on an entirely conjectural rendering of two words in the Calendar. The author’s attempt to find traces of another assembly, or ceremonial occasion, in the month Equos (February), and to connect this with the Roman festival of the Equiria, is more improbable in itself, and receives no

real support from the Celtic analogy adduced. There is much more to be said for the suggestion that the entries *trinosam sindiu*, *trinuzsamo*, which are found at the 17th of Samonios (June) in two successive years, are intended to mark the beginning of the summer solstice. But there is the difficulty that in the fourth and fifth years (the third is wanting) we find on this date, instead of *trino-*, *trinuz-*, the form *prini-* (or *prino-*). This latter form occurs with slight variations forty-three times in the surviving fragments of the Calendar, so that it would be important to determine its meaning. Sir John Rhŷs connects it with the Greek *πρίνιμι* and Irish *renim*, and supposes it to denote payments due on certain dates. The equation is, however, very doubtful, and the further hypotheses which the author proceeds to erect on this foundation, although very ingenious, belong to the region of speculation rather than of real knowledge. Perhaps such imaginative reconstructions are all that can be hoped for when the known data are so very scanty. Certain it is that no approach to a real solution of the whole problem can be hoped for until the relations between the Gaulish and the other Celtic languages are ascertained with something like scientific accuracy.

There is, however, one kind of question to which it ought to be possible to get satisfactory answers. What is the origin of this Calendar? is it native or imported? and if imported, from whom is it borrowed? As it is engraved in Roman letters, apparently of about the first century after Christ, one would naturally expect to find the Julian reckoning in use. This is not the case, however. In a very interesting note contributed to Sir John Rhŷs's paper, Dr. Fotheringham seems to establish that we have to do with a Calendar of non-Roman origin, but adapted to the Julian Calendar. And the method employed is, according to Dr. Fotheringham, the same as was adopted by the Alexandria astronomers of the third century for the calculation of Easter. Can it be, then, that the Sequanians took their Calendar from the Eastern missionaries who first introduced Christianity into Gaul? True, the archaeologists declare that the characters in which the Calendar of Coligny is engraved seem to belong to the first century after Christ. But on such a point there is usually room for differences of opinion. It seems hardly probable that the native astronomers possessed sufficient scientific knowledge to evolve so elaborate a system for themselves. No doubt the Calendar embodies divisions of time which were common to all Celtic peoples, as M. Loth has shown in an interesting paper contributed to the *Revue Celtique*, vol. xxv; one may recognize the truth of this without agreeing with M. Loth as to the 'entire Celticity' of the Calendar.

E. J. GWYNN.

A History of Japan from the Origins to A.D. 1542. By JAMES MURDOCH. (Tokio: Asiatic Society of Japan, 1910.)

Historical and Geographical Dictionary of Japan. By E. PAPINOT. (Yokohama: Kelly and Walsh, 1910.)

THESE two books will be welcomed by all students of Japanese history. *The History of Japan* is the second work of the kind which we owe to Mr. Murdoch's pen, his previous book, published in 1903, dealing with the

period from 1542 to 1651. The present work covers a much wider field, beginning with prehistoric times, and ending where his first book began. In his introduction the author says that the Dutch were kept in Deshima to play for Japan the part which Bacon's 'Merchants of Light' did for his Utopian 'New Atlantis'. There is no reason to think that the trade of the Dutch was ever the subject of very profound policy on the part of the Japanese government. They and the Chinese were allowed to stay and trade, when other foreigners were expelled, because they were considered not to be Christians, and because foreign trade was recognized to be useful. It is true that the Shogunate monopolized the foreign trade conducted by the Chinese and Dutch, just as it did 'Dutch learning', but in doing so it was merely enforcing the system of supervision of foreign trade and intercourse which it had established in 1637, and performing the functions of government as understood in those days.

The author's contribution, in the opening chapters of his book, to the discussion of the much-debated question of the origin of the Japanese nation adds little, if anything, to our knowledge of a subject which still remains obscure. But in succeeding chapters, treating of early Japanese history, we are taken over ground familiar to all readers of Aston's *Nihongi* and Chamberlain's *Kojiki*, and in these the author, working on the lines of Mr. Asakawa's *Early Institutional Life of Japan*, supplies us with an admirable summary of events. His account of the Great Reform of A.D. 645 and the manner in which the Japanese government, while reorganizing the whole administrative system on the model of that established in China under the T'ang dynasty, retained much of what previously existed in Japan, reminds us of the policy so successfully pursued in 1868. Mr. Murdoch is careful to explain how the Chinese principle of incapacity (deficiency of virtue it was called) on the part of the sovereign justifying revolution on the part of his subjects, which was imported into Japan at this period, was never carried into practice in the latter country. So far as the throne was concerned, it remained a theory, which became embodied in the language in a set phrase in use to-day. It was the dynasty of the administrative ruler—the Shogun—which disappeared in Japan. The idea of virtue as associated with sovereignty is not peculiar to the Far East: the Turkish commander who reoccupied Alexandria on our withdrawal at the beginning of the last century attributed the event to the virtue of the Sultan.

The account of the reign of Emperor Kwammu is interesting, though rather tedious. Exception may be taken to the explanation given of the term *Kwantō*. It was, we are told, the term applied 'to eight provinces around and between the head of Tokyo Bay and the Chichibu and Nikkō Mountains'. *Kwantō* signifies 'East of the Barrier', the barrier being in later times the guard-house on the Hakoné pass in the province of Sagami. But in those early days the barrier was much further west, and nearer the capital. The term was then applied to the country east of the guard-house on the Ōzaka pass in the province of Omi, as distinguished from *Kwansei* (or *Kwansai*), the country west of that barrier. The chapters on the Rise of the Fujiwaras and the Cloistered Emperors contain much new and valuable information. In the former, the author, perhaps, hardly

does sufficient justice to the prominent part played by the founder of the family's greatness. In the second he deals with an interesting feature in Japanese history, the abdication of emperors; the custom of abdication was, however, peculiar neither to the period in question, nor to the sovereigns. A good description is given of the establishment of the feudal system under the Kamakura Shogunate at the end of the twelfth century, and of the rule of the Hōjō regents, during whose administration the Mongol invasion was repelled. We are grateful, too, for the light thrown in the last two chapters on the confused events of the stormy times when two rival courts existed, and on the little-known Ashikaga period with which the volume ends. The book is furnished with excellent maps. It may appear ungracious to criticize the English style of this useful work, but it is right to add that more attention bestowed upon it would have improved the book and increased its appreciation by the average reader.

The want of an *Historical and Geographical Dictionary of Japan* has long been felt, for though peerage manuals, compiled at different times, supply fairly accurate details regarding the Japanese aristocracy, both ancient and modern, their arrangement is primitive and clumsy, while for other information the student has been obliged to ransack many sources. In Mr. Papinot's book we have in one handy volume accurate and well-arranged information concerning most Japanese matters connected with history and geography. The maps are admirable: those of the main islands are arranged according to the *dō*, or circuits; and there are separate maps of Corea, Formosa, Yezo, and Saghalien. In a future edition it might perhaps be found advantageous to amplify the definitions given to such words as *Kami* and *Saikoku*, and to include explanations of the numerous official titles used during the Tokugawa régime.

J. H. GUBBINS.

Lombardic Architecture; its Origin, Development, and Derivatives. By G. T. RIVOIRA, translated by G. McN. RUSHFORTH, M.A. (London: Heinemann, 1910.)

SIGNOR RIVOIRA'S survey covers a very wide field, and embraces a vast number of buildings and of architectural details in many lands, but he has always in his mind the need of showing that the ultimate origin of everything that really counts in medieval architecture is to be sought in Lombardy, or if not in Lombardy, then in some other part of Italy. To recognize this fundamental characteristic in his work is not to deny its immense interest and value. Signor Rivoira is not only a patriotic enthusiast, but a worker of extraordinary diligence, who has travelled far and wide, both in the west and in the nearer east, and has amassed for the benefit of the architectural student a collection of photographs so varied and well chosen that for this feature alone his volumes will have a lasting value for the serious inquirer. His technical descriptions would have been improved had he illustrated them by analytical diagrams of the various systems of medieval vault construction of which he writes, for in these cases something more is needed than photographs and verbal explanations. In dealing with the important sources of evidence to be

found in inscriptions and documentary records, Signor Rivoira exhibits what is at the present day a great, almost an unpardonable defect, that he does not give chapter and verse for his citations, so that it is not possible without a good deal of trouble to control his references and deductions. He has been fortunate in securing for the English rendering of his book the services of a scholar and archaeologist of distinction, to whom this laxity in citation must have caused distress, and it is a pity that in the English edition, to the text of which additions have been made, it was not found possible to supply what was wanting. In connexion with the translation, a word of protest may be allowed in regard to the use of words new to English architectural terminology. It is true that this terminology is of a haphazard character and the elements of it are drawn from various sources, but we have at any rate become accustomed to it and understand what the phrases mean; hence it is disagreeable to read of 'pulvins' and 'raccords' and 'raised' vaults, and to find 'luminous crosses' written where 'cruciform lights' would have conveyed the sense in familiar terms.

Signor Rivoira's intense absorption in his thesis makes him dogmatic and rather pugnacious. He adopts a somewhat cavalier attitude towards previous workers in the fields over which he drives his triumphal chariot. In some cases in which he brings forward novel and even paradoxical views he is too easily content with his own *ipse dixit*, and does not take the trouble to support these views by a sufficient apparatus of proof to convince his readers, while at times, as will presently be shown, he builds arguments upon substructures too weak to bear them. The nature of his main thesis has already been indicated. With his general views we are to a great extent in accord. He breaks a lance at the outset with Josef Strzygowski and the other believers in the Hellenistic east as a source of inspiration, and insists that there is no need to go beyond the limits of Italy to find the vitalizing ideas which were to bear fruit in the medieval art and culture of the west. In this matter the author of *Orient oder Rom* is well able to take care of himself, and it is an advantage that the Italian side of the argument should be put so forcibly as is the case in these volumes. One of the most interesting parts of them is the passage in which the Emperor Hadrian's architectural originality and resource are demonstrated, and we welcome too the evidence brought forward of important features in Roman works that have now perished but are known from drawings by artists of the Renaissance. It is obvious also that, taking the west as a whole, Italy was the original centre from which was diffused that Roman culture which influenced so large a part of medieval Europe, and that as regards Italy herself Lombardy had a very important part to play. It is a fact, for which Europe has cause to be grateful, that when the Teutonic element introduced by the Lombards into Italy had finally been absorbed into the older Latin culture, a fine breed was produced, from which proceeded some of the greatest scholars, poets, builders, and artists of the modern world. In the domain of architecture these North Italians undoubtedly exercised direct influence in other parts of Europe, such as the Rhineland, where, for example, the constant use of small columns in decorative arcading is clearly of Italian origin. All this

we may freely admit; but the author goes much further and sees Lombard influence in almost all the phases of Romanesque architecture north of the Alps, save only in Spain, and his mind is as much beset by the Roman idea as was that of Alois Riegl of Vienna, who in his *Spät-römische Kunst-Industrie* found a Roman origin for all the peculiarities of early Teutonic handiwork.

A good instance of the author's too summary method is to be found on page 248 of his first volume, where he announces, as if it were the most natural thing in the world, that he has discovered the use by the ancient Romans of visible diagonal ribs in their vaulting. This statement, which runs entirely counter to received opinions on the subject, requires something more for its support than the photograph of the much-weathered soffit of a ruined Roman vault, where the bricks of the diagonal ribs are projecting beyond the present plane of the concrete vaulting fields. Considering, too, the enormous importance of the rib in medieval vaulting and the recent labours of architectural scholars on the vexed question of the chronology of its use, he should have taken more pains to carry his readers with him when he makes the bold claim for a church in Central Italy that it exhibits vaulting with diagonal ribs of the date of 1032. The church in question, San Flaviano at Montefiascone near Viterbo, is not even in Lombardy, and if Lombard rib-vaulting had reached that place by 1032, and, as he also claims, had by the middle decade of the century travelled as far down the peninsula as Aversa by Naples, it must have been carried well forward in Lombardy itself in the first quarter of the century. If this be the case, a reader will ask, how comes it that the Normans, who on Signor Rivoira's showing practically learned their architecture from the Lombards, were puzzling over these problems without finding a solution till nearly the end of the century? Bertaux, who is quoted with tacit approval by Venturi in his great history of Italian art, dates the vaults at Aversa in the twelfth and thirteenth centuries, but Signor Rivoira flings San Flaviano contemptuously in their faces, as if no one could question the date he assigns to it. This is not the way to secure acceptance for his views from other serious students of these complicated problems.

Signor Rivoira insists so strongly on the cogent nature of the documentary evidence on which he establishes important landmarks in architectural development, that he challenges inquiry as to whether in every case the evidence goes quite so far as he maintains. No building with which he deals is more important than Sant' Ambrogio at Milan, and about this famous edifice there is nothing of more moment than the much-debated question of the date of the present vaulted nave. This question he claims to settle on the basis of some documents published by Dr. Gerolamo Biscaro in the *Archivio Storico Lombardo* in 1904-5, which, he says (i. 235), authorize fixing the erection of the structure 'within the possible limits of the forty years between 1088 and 1128', and further made its completion before 1098 certain or at any rate very probable. It needs hardly to be said that at that particular juncture twenty years or so in the dating of a particular piece of vault construction are of great importance, and it is disconcerting to find that a careful examination of the documents

in question by no means bears out the author's contention. The only convincing piece of evidence is contained in a sentence in certain arguments or pleadings in a dispute between the monks and the canons of Sant' Ambrogio in 1144. The monks were claiming the possession of the so-called Canons' Tower which had been presented to the canons by Archbishop Anselm in 1128, and the canons answered that it was false to say that the campanile had been built out of the funds of the monastery, because as a fact *the architect of the church* had constructed the said campanile, *as he had constructed the rest of the fabric of the church*, out of funds supplied by the city at large. This is of course clear evidence that the main fabric of Sant' Ambrogio was being built about the same time as the canons' tower, though Dr. Biscaro points out that, as the document dates from 1144, the church may have been in building until then or even a little longer. It is clearly therefore a work of the first half or first third of the twelfth century, and, as Dr. Biscaro remarks, the architecture of it agrees with that of the canons' tower, the date of which in that period is known.

The earlier date claimed for Sant' Ambrogio by Signor Rivoira rests not on documentary evidence, but on certain very doubtful inferences. An inscription immured in the outer wall of the atrium of Sant' Ambrogio mentions the establishment or revival in the year 1098 of a festival in honour of the martyrs Gervasius and Protasius, whose traditional bodies were known to have been buried in the church, and Dr. Biscaro suggests that this may have come about through the discovery at that time of the relics of these martyrs. It is a further suggestion that this supposed discovery of the bodies in 1098 and the consequent institution of the festival may have given rise to the scheme for the reconstruction of the basilica in the form in which we now see it. Now Signor Rivoira jumps back from this point of 1098, and assuming as a fact this supposed discovery of the bodies, says first (i. 230) that the discovery 'must have taken place in the course of the rebuilding works', and then (p. 235) goes so far as to speak of 'the institution in 1098 of the festival in honour of SS. Gervasius and Protasius, *when the basilica must have been finished*' ('nel quale anno la basilica doveva essere già ultimata'). We are naturally led to infer that this discovery of saintly remains about 1098 is either attested by records or is a matter of generally accepted tradition. But in fact the records of the church are silent about such a discovery, and its accepted tradition is entirely against it. Whether this tradition has any basis or not, bodies which passed for those of the two saints were said to have been exhumed in 836 by Archbishop Angilbert and immediately reburied, together with the bones of St. Ambrose himself, in a porphyry sarcophagus near the high altar, where they remained till they were again disturbed in the year 1864. The *Civiltà Cattolica* for 1864, and the book by L. Biraghi, *I tre sepolcri santambrosiani, scoperti nel gennajo 1864* (Milan, 1864) give an account of this. Dr. Biscaro, of course, does not believe in this tradition, and is convinced of the truth of his own opinion that the bodies were found in or about 1098. He acknowledges that this is only a hypothesis, though, in a private communication to the writer, he claims that it is 'una congettura avente un qualche grado di probabilità'.

The inscription on which his conjecture is based has been published, with a brief commentary, by Signor Forcella, in the *Iscrizioni delle Chiese di Milano*, which he edited for the Società Storica Lombarda, from 1889 onwards. As he gives it on p. 217 of vol. iii, 1890, it runs as follows :—

✠ in nomine . sanctae trinitatis . ad eius honorem . et . sanctorum . protasii . et . gervasii . martirum statutum est ab archiepiscopo anselmo et eius postea successoribus sub nomine excommunicationis et comuni consilio totius civitatis ut non liceat alicui homini in eorum festivitate et dies tres antea et per tres postea . curtadium tollere . et in ius sibi proprium usurpare . iterum confirmaverunt per octo dies ante festum et per octo post festum firmam pacem omnibus hominibus ad sollemnitatem . venientibus . et redeuntibus . adam et pagano huic bono opere dantibus anno . domini . M . IIC.

The word *curtadium* is interpreted to mean 'toll' or 'market dues', and the rest of the inscription is clear enough. Signor Forcella dates the inscription 1098, but thinks that the festival was instituted a hundred years earlier, and that a renewal of the exemptions, &c., hinted at by the word *iterum*, took place in 1098. The words 'ab archiepiscopo anselmo et eius postea successoribus' take us back, he argues, to the time of Archbishop Anselm II, who died in 896, and if this be right the discovery of the bodies as the presumed origin of the celebration would also recede into the distance, and with it would vanish this eleventh-century rebuilding of Sant' Ambrogio which the author of these volumes announces as if it were a proved historical fact. Dr. Biscaro has a different theory of the inscription, but any reader of it can see that there is no hint in it of the discovery of bodies, at any rate in 1098; while the proposed identification of the 'Adam' of the inscription with the 'Adam Magister' carved upside-down on a stone of the Sant' Ambrogio portal, and of both with the architect of the basilica whose operations are supposed to have led to the discovery of the bodies, is highly theoretical. The way the names 'adam et pagano' are introduced in the inscription does not suggest that one of them had actually found the bodies of the saints.

There is here no doubt excellent material for a learned discussion among experts in the ecclesiastical antiquities of Sant' Ambrogio, but no material capable of supporting an argument of a controversial kind on a question so important as the relative chronology of ribbed vaults in the different countries of the west. It is not denied here that Lombardy may in this matter have been in advance of the rest of Europe, but the question is not one to be settled by such arguments as have here been subjected to criticism. This criticism may seem perhaps somewhat severe in the case of a work that is really a notable monument of erudition, and does its gifted author the highest credit, but Signor Rivoira's own uncompromising attitude, and belief in himself as the missionary of Lombardic art, makes it necessary for his readers to be on their guard. What he says about our English architecture in the pre-conquest period is not all to be accepted as it stands, and it may be noted that he makes a curious mistake in saying that the old windows in St. Michael's, at St. Albans, are double-splayed. They are single-splayed openings in walls that after all are probably of early Norman rather than of Saxon date.

G. BALDWIN BROWN.

A History of Ancient Tenures of Land in North Wales and the Marches.

By A. N. PALMER and E. OWEN. (Printed for the Authors, 1910.)

THIS is a second edition of a work published in 1885 by Mr. A. N. Palmer. It is better printed¹ and has three maps and an index; but the actual amount of matter does not seem to be greater. In several chapters the alterations seem to be slight: chapter x of the old edition is omitted entirely, and a great part of chapters i and ix have been rewritten. The *raison d'être* of the book is to be found in these two chapters, one on 'The Common Fields', and the other on 'The Pre-manorial Epoch and the Rise of the Manorial System'. The first chapter suffers from lack of unity. It begins with an attempt to show that the ancient common ploughlands of the townships in the lordship of Bromfield and Yale can be traced and identified by the existence of quilletts or separate strips composed of single butts or groups of butts lying parallel to each other. Then comes a long digression on the area of the normal quillet; in sixteenth-century legal documents relating to Wrexham the quillet is known as *erw*, and its area is made out to be about half a statute acre or a *cyfar* of 2,560 square yards, though the term *cyfar* is almost unknown in this great lordship of Bromfield. The Bromfield customary acre, like the Cheshire acre of to-day, contained 10,240 square yards, and if it were of the usual English shape would contain 4 roods, each 40 rods by 1, or if plotted according to the Welsh *ystang* 4 roods, each 20 rods by 2; but whatever the shape, the area of the rood was that of the Flintshire *cyfar*. The authors are of opinion that during the first English occupation of this district prior to the Domesday Survey this large acre was common to this district and to Cheshire, that it subsisted under the revived power of the Welsh princes of Powys Fadog, with its rood known as *erw*, and that the Cheshire acre was again reintroduced by the English lords after the conquest of 1282, the process being 'facilitated by the fact that the area of the old *erw* and the area of the new quarter-acre were the same'. The authors then return to the original question, but hesitate to conclude that 'each quillet was at first a single butt or ridge of land in the common fields'. Then we are given a paraphrase of Dr. Seebohm's account of the system of common ploughing, and a list of the townships where quilletts exist or can be proved to have existed. Of more general interest is the brief comparison with the common fields in England; in this lordship the quilletts are not separated by 'balks' as would be the case in England, but by 'mere' stones, though there are traces of 'balks'; the common fields are small, but numerous, and enclosed by hedges, and therefore very different from the large shots in the English common fields.

After a brief discussion of gavelkind, in which the doubtful theory is advanced that the pressure of the law courts, the forms of the writs, and the processes of law had an irresistible tendency towards the substitution of primogeniture, we enter on an entirely new subject—a discussion of *gafael*s and *gwelys*, as they are found in an Extent of 23 Henry VII of the

¹ Henry III on p. 40 should be Henry VIII, and the mathematical signs in the calculations on p. 9 are hopelessly confused.

lordship of Bromfield and Yale, in the Extent of the lordship of Denbigh of 8 Edward III,² and in the *Record of Carnarvon*. The discussion is not very illuminating; on p. 45 we are told 'there was no difference of principle between a *gafael* and a *gwely*', on p. 52 'in one sense a *gafael* was a *gwely*', and on p. 54, more truly, 'when such a holding was called a *gafael* the fact that was emphasized was that of tenure, of obligation. When called a *gwely* what was emphasized was the fact that it was subject to rules of partition and inheritance characteristic of family land.' Very doubtful is the statement (p. 54) that 'the *gafael* is the more common holding in the bond townships and the *gwely* in the free townships'.

Chapter ix, on 'The Pre-manorial Epoch and the Rise of the Manorial System', is characterized by the same lack of unity. The authors set out to prove that the later manorial system developed out of the system described in the Welsh Laws, determined of course by the results of the subjection of Wales to the English power. We are given an account from the Venedotian Code of the cantref and its commotes with the officials, *maer*, *canghellor*, and *rhingyll*; of the 12 maenols in each commote, 8 free and 4 servile, each with 4 trefs; of the *tyddyns* in the free maenols occupied by *uchelwyr* or *gwyrd*a in *tirgwelyog*, and of the payments of *gwestfa*, *tunc pound*, &c.; and of the servile maenols, occupied by *eillion* or *taeogion* in *tircyfrif*, with their payments of *dawnbwyd* and liability to work, to *cylch*, and to the duty of maintaining huntsmen, dogs, &c. It is noteworthy that according to the Extent of Denbigh honour these last miscellaneous payments were due both from *liberi* and *nativi*. Then we have a sketch of the history of Maelor Saesneg, followed by a discussion of the cantreds and commotes of this part of the Marches. The authors are of opinion that the commote was readily convertible on the one hand into a feudal lordship, and on the other into a civil hundred. Similarly the maenols were converted into some corresponding mediaeval division of the lordship—in Bromfield and Yale into ringildries—though in the Denbigh honour it is difficult to discern anything between commote and vill, for the rare manors seem to be parallel to the vills. Then there is a discussion of the territorial divisions of Bromfield and Yale, given in greater detail in the appendix. Once more we have a brief account of the growth of English tenures, though *tirgwelyog* still subsisted, and of servile tenures, based on the *Record of Carnarvon* and the Extent of Bromfield and Yale; this is interesting as showing the heavy burden of the *nativi*. The position of the *alltudion* in this lordship is gathered from an account, which the authors think dates from the end of the fourteenth century, of the advocarii of Bromfield, printed in the so-called *Record of Carnarvon*. The authors then examine the question of the survival of the officials of the second Welsh period, and conclude with a sketch of the devolution of the lordship till it came to the crown in 1495, and with an account of the various classes of tenants in the time of Elizabeth and James I.

² The authors cite only the Harleian MS., which is very imperfect, and seem unaware of the existence of the better manuscript at the Record Office. Probably this is the reason why they have not noticed that the greater part of the account of the vills of Penmaen and Lassemaen (acquired by William de Montacute prior to 1332, cf. *Cal. of Pat. Rolls*, 1330-4, pp. 253, 357) in the Denbigh Extent is printed in the so-called *Record of Carnarvon*, p. 90.

The bulk of the new material is to be found in these two chapters, but evidently it does not fit neatly into the old arrangement, which was itself rather confused. Some of the other chapters scarcely deserve the name, e.g. iv, 'The Common Turbary,' and v, 'The Common Quarry,' consist of only one page each. The book contains a good deal of information, historical and philological, and is of much local interest; but it is not certain that it was worth the great trouble that has been expended in preparing this edition. The authors would have done better service had they printed the Extent of 23 Henry VII—extracts from this are given in the appendix—with a good introduction, in which they might have worked out one or two progenies with their payments, &c., on the lines adopted by Dr. Seebohm in his *Tribal System in Wales*, though it would be necessary to give due weight to the criticisms made by Professor Vinogradoff in his *Growth of the Manor*, which the authors have not noticed at all.

F. MORGAN.

The Frankpledge System. By WILLIAM ALFRED MORRIS. (London : Longmans, 1910.)

THERE is a commendable precision of thought in the discussion of origins with which Professor Morris begins this essay. While admitting that the roots of the frankpledge system can be traced far back in Anglo-Saxon history, he lays emphasis upon the idea of collective and reciprocal suretyship as characteristic of the tithing-group in the twelfth and thirteenth centuries; and he remarks that this idea is not implied either in the police-tithing or in the surety-group of earlier times. The police-tithing, as we find it in the by-laws of tenth-century London or in Edgar's ordinance of the hundred, has nothing to do with suretyship. The surety-group are responsible for one single individual, who is a bad character. The *gegildan*, who are mentioned in the laws of Ini and Alfred, appear to resemble a tithing-group in their responsibilities, but we know little about them. It is possible, as Dr. Morris suggests, that their union represents the earliest and the closest analogy to the frankpledge system. Dr. Liebermann's theory, that the tithing-group arises from a fusion of the police-tithing with the borh-group, cannot be accepted without qualification. The influence of the earlier forms of association can no doubt be traced in the frankpledge-group. But the adoption, over the greater part of England, of the new idea of reciprocal suretyship seems to imply the pressure of a strong hand, the will of an energetic legislator; and this legislator must be looked for in the interval of time which lies between the laws of Cnut and the *Leges Henrici*. Dr. Morris accepts the view of Waitz that William the Conqueror first instituted frankpledge. We know that William made the hundred collectively liable for the *murdum-fine*. We know that he required every man to be in pledge; and his words imply that for every man there will be a plurality of sureties. Having advanced so far, the king would find no great difficulty in arriving at the conception of the tithing-group formed by superior authority and permanently maintained. Dr. Morris shows a not unnatural caution in stating his own views. He is anxious to go as far as possible in the direction

of a compromise with those who maintain the pure Anglo-Saxon origin of frankpledge. It is, however, disconcerting to find that in a later part of his book he speaks as though view of frankpledge could be traced back to the days of Cnut (p. 116). Presumably he refers to the well-known ordinance that every man shall be in hundred and tithing, in hundred and borh. But he has already pointed out that this ordinance contemplates a system very different from frankpledge.

The second chapter, dealing with the distribution of the system, embodies the results of original researches among the unpublished pipe-rolls and assize-rolls. Dr. Morris shows that frankpledge did not exist in Ireland, Wales, or the Channel Islands; or in the counties of the Welsh border (Cheshire, Shropshire, Herefordshire) outside some private franchises and the city of Hereford; or in the five northern counties of Yorkshire, Northumberland, Lancashire, Westmorland, and Cumberland.¹ The Yorkshire *tenmantale*, identified in the *Leges Edwardi* with the frankpledge-tithing, is a unit of land-measurement and taxation. Throughout the remaining thirty counties—the area, it should be noticed, in which the Conqueror's power was effectively established—the system was all but universal; a few boroughs and one or two forests are the only exceptions. For the numerous private lords who obtained exemption from the sheriff's view continued to maintain the system for their own profit.

The third and fourth chapters give a careful account (mainly from the printed sources) of the law and practice of the system in the period of maturity (1166–1340). Dr. Morris finds the territorial tithing in all the counties south of the Thames, in Gloucestershire, and in some parts of Warwickshire, Worcestershire, and Staffordshire. He does not suggest any hypothesis as to the reason for this peculiar interlacing of the spheres of the territorial and numerical principles; it would be worth considering whether the boundary of the Danelaw was not originally the dividing line. The most novel feature of these chapters is the account of the leet-system, as developed by the privileged boroughs of the thirteenth and fourteenth centuries (pp. 148–50). In the fifth chapter he makes the interesting suggestion, based on the analysis of a plea-roll, that the frankpledge system broke down owing to the increasing mobility of the population; he finds that the worst offenders against the peace are usually described as vagabonds or strangers.

A few minor slips call for notice. On p. 118 we are told that view of frankpledge is not mentioned in charters before 1166; but the author has already noticed the charter of Henry I to Bury St. Edmunds, which exempts the abbey tenants from going outside the soke ‘pro plegiis suis et friborgis et trengis renovandis’ (p. 60). On p. 157 the author appears to misunderstand the seventeenth-century use of the word ‘antiquated’, which then meant ‘abolished’. The *Leges Edwardi* do not say that all in the realm must be in frankpledge, as stated on p. 69; the words are ‘de omnibus villis totius regni omnes’, which strictly translated mean the rural population. The mainpast and jurisdiction of great lords are mentioned in the earlier as well as in the later text of the *Leges Edwardi* (p. 73). The text of the writ of Henry I concerning shire and hundred

¹ In Durham it first appears in the fourteenth century.

courts is correctly printed, for the first time, in Dr. Liebermann's *Gesetze*; students should not be referred to the older text, as given in the *Select Charters*, without a word of caution (p. 114). But these are small blemishes in a book which is a valuable contribution to the literature of English constitutional history.

H. W. C. DAVIS.

Die Gesetzgebung der normannischen Dynastie im Regnum Siciliae. Von HANS NIESE. (Halle: Niemeyer, 1910.)

THIS book, designed to clear the ground for an examination of the internal policy of Frederick II, represents a sharp reaction against recent tendencies in the study of Sicilian law and institutions. Whereas it has become common to derive the public and private law of the Norman kingdom of Sicily from Rome and Constantinople, Dr. Niese maintains that the legal system of the kingdom as a whole, as distinguished from the local customs and the administrative organization, was fundamentally Norman, and that the influence of Roman, Lombard, and canonical jurisprudence was essentially secondary in its nature. So far as criminal law is concerned, he finds the starting-point of this phase of the legal development of the south in an early *Landfriede*, re-enacted by Roger II in 1129, the Norman character of which is seen in the conception of a king's peace embracing all classes and in the principle of the arbitrary amercement. On the basis of this a *consuetudo regni* established itself, which was supplemented and modified, but not replaced, by later legislation. Unfortunately traces of this earlier body of custom and regulation are exceedingly scanty, and the fundamental sources of the law of the Norman kingdom consist of two collections: the so-called Vatican assizes of c. 1140, discovered by Merkel in 1844, along with a private compilation preserved at Monte Cassino and containing a summary of these and certain additional enactments; and the laws attributed to King Roger and his immediate successors in the *Constitutiones regni Sicilie* of Frederick II. Both of these collections Dr. Niese subjects to a penetrating analysis, with results in many respects new. He does not deny, what is now well known, that the Vatican assizes consist mainly of borrowings from books i and ix of Justinian's Code and book xlviii of the Digest, but he shows that the author of this body of criminal and ecclesiastical legislation was no slavish copyist. In some passages the Roman penalty is replaced by the arbitrary amercement, and in other instances it seems possible to trace the influence of the canonists of Northern France, while the whole method is that of the North-Italian law schools. Resemblances of style suggest that the royal notary who drafted the foundation charter of the Cappella Palatina in 1140 also composed the assizes, which thus represent the first attempt to turn the new jurisprudence to the service of princely power. The reigns of William I and William II Dr. Niese considers to have been a period of greater activity in legislation than is commonly supposed, indeed he conjectures that a collection of laws was made toward the end of William II's reign which became the source of the enactments attributed to 'rex Guillelmus' in the *Constitutiones* of Frederick II. In the laws of this period, especially those relating to land tenure and to feudal matters, he finds evidence of Norman and, in

certain instances, of Angevin custom; while direct imitation of the legislation of Henry II is suggested as possible in the case of the forest code and the regulation of jurisdiction respecting feudal tenure, and as highly probable in the matter of ecclesiastical jurisdiction.

At certain points Dr. Niese could have made his case stronger by evidence which he has overlooked. If he had been familiar with the earliest formulation of Norman custom, the *Consuetudines et iusticie* of William the Conqueror (*ante*, xxiii. 502-8), he would have found numerous illustrations of the arbitrary amercement, as in the provision concerning breach of peace in the army, where the parallelism to c. 34 of the Cassino assizes is quite close. An actual case recorded by Hugo Falcandus (ed. Siragusa, p. 141) shows that the penalty which placed the lands and person of the offender in the king's mercy was applied in the case of violations of c. xvii of the Vatican assizes, although no penalty is mentioned in the text of the law. The comparisons with Anglo-Norman law might in some instances have been improved by the use of recent monographs, such as Miss Bateson's *Borough Customs*, Professor Gross's essay on the law of intestacy, and M. Guilhaume's *Origine de la noblesse*.¹ Similarly the argument with respect to canonistic influence at the Sicilian court could have been strengthened by calling attention to two manuscripts of the twelfth century in the cathedral library at Palermo, described by La Mantia and by Besta, one a missal according to the use of Rouen containing Frankish ordeals, the other a canonistic collection which Besta (in *Circolo Giuridico*, 1909) refers to Chartres or some neighbouring school.

It is impossible within the limits of a review adequately to discuss a book so full of debatable matter. Without accepting all of the author's conclusions, it must be admitted that he has produced the most thorough and comprehensive study of the subject which has yet appeared, and has shown that the Norman element in Sicilian law was more significant than has hitherto been supposed. Like many legal historians, he is apt to infer far-reaching principles from questionable interpretations of single texts, and he is inclined to base too much on resemblances of style. Thus, while it is quite possible that, along with the word forest, the Normans introduced something of their forest organization into the south, it would be rash to accept Dr. Niese's assumption of an English prototype for the forest law which he infers from the assize of William II concerning pasturage in Apulia, particularly since the four knights of the Assize of Woodstock from whom he derives the four foresters of each *contrata* make their appearance several years after the probable date of the Sicilian ordinance. Similarly, while the personal and political relations of the two kingdoms were such that the conflict over ecclesiastical jurisdiction in England was likely to be well understood by the English-born prelates who exerted so large an influence at the court of William II, Dr. Niese is much too positive in deriving the Sicilian legislation on this subject from English prototypes, notably from the third section of the Constitutions of Clarendon, which he interprets differently from Professor Maitland. Furthermore, in spite of the

¹ Dr. Hemmeon's articles on burgage tenure (*Law Quarterly Review*, July 1910-January 1911) appeared too late to be used by Dr. Niese.

important charters which he has published in the *Quellen und Forschungen* of the Prussian Institute, Dr. Niese betrays insufficient knowledge of the documentary sources for the history of the Sicilian kingdom. He is thus led to accept Mayer's unfounded view that the competence of the *dohana* was limited to Sicily and Calabria, and he falls into error with respect to the appearance of local judges as justiciars (pp. 134 f.). The first example of a municipal judge acting as justiciar is not the case of Maior de Botonto in 1174, for Maior was royal constable as early as 1155; while the statement that the *iudex Tarentinus* of 1168 was the first local judge to become a member of the *curia* overlooks the mention of him in a Messina charter of 1158, as well as the fact that another such judge, Nicholas of Reggio, is found in the same body in 1123 (Caspar, *Roger II*, Reg. no. 42). Any disregard of the documentary materials is the more unfortunate because it is only with their help that we can hope to solve the problem which Dr. Niese has so vigorously attacked. Besides their importance for local custom, they are practically our sole source for the procedure before the royal justiciars, and until procedure has been studied, we cannot hope to understand the sources of the law of the kingdom. There is, for example, considerable evidence respecting the use of the sworn inquest in the royal courts of the Sicilian kingdom, and it is greatly to be desired that a study of this should be attempted by some one thoroughly familiar with Roman and canonical procedure, as well as with the inquests of Frankish and of Anglo-Norman law.

CHARLES H. HASKINS.

Geschichte von Florenz. Von ROBERT DAVIDSOHN. Zweiter Band: *Guelfen und Ghibellinen*. I: Staufische Kämpfe; II: Die Guelfenherrschaft und der Sieg des Volkes. (Berlin: Mittler, 1908.)

Forschungen zur Geschichte von Florenz. Von ROBERT DAVIDSOHN. Vierter Teil: 13. und 14. Jahrhundert. (Berlin: Mittler, 1908.)

THE present instalment of this great, perhaps one should say definitive, history of Florence covers the larger part of the thirteenth century. It begins with the Italian expedition of Otto IV, and ends with the expulsion of Giano della Bella in 1295. Herr Davidsohn deals with this critical period of Florentine history with all the skill and thoroughness which he displayed in his first volume. Some of the results obtained are of the utmost importance. The full story of Frederick II's administrative methods in Tuscany and of the Ghibelline popular constitution of 1244 is told, for instance, for the first time. The literary, social, and religious sides of Florentine life are also fully developed in one or other of these volumes (the *Forschungen* cover roughly the same period, with occasional excursions into the fourteenth century), to which Dante students and admirers of St. Francis alike will be under vast obligations.

The supreme importance of the years 1209-14 in the history of Tuscany is rightly insisted on, not only because they witness the last attempt to organize the province on German lines, but because it was in these years that the split between Guelfs and Ghibellines became permanent and its meaning defined. Otto IV, to whom the support of the Tuscan towns was necessary for the success of his Sicilian expedition, had

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been obliged to acquiesce temporarily in municipal autonomy. His quarrel with the pope and his enforced return to Germany early in 1212 naturally weakened his position in Central Italy. But his supporters—Florence in particular—continued to use his name, not because they represented an imperialist party, but because the triumph of Frederick II would mean the definite restriction of municipal development. The Guelf party was from the beginning an independent party; at the beginning anti-papal, and supporting an excommunicated prince. After Bouvines the Florentine government chose to consider the empire vacant, and resumed its encroachments on imperial prerogatives. The Hohenstaufen partisans, backed by the pope, opposed them, and thus the family feuds, of which the Buondelmonti affair (in 1216, not 1215) is, of course, the most celebrated, assumed an increasingly political aspect; the issue of this particular quarrel marked, in fact, a Ghibelline victory. This affair, and the question of party cries in Italy generally, are fully developed in the *Forschungen*, pp. 29–67. Herr Davidsohn shows that ‘Guelf’ and ‘Ghibelline’ were cries long peculiar to Florence, and did not become general till the fourteenth century. In other towns are usually found local family names, as the Montecchi in Verona and the Capuleti in Cremona.

We now follow the struggle of Florence for supremacy in Tuscany during the years 1215–37, for it was not till after the battle of Cortenuova that Frederick II was in a position to attempt the organization of the province. The party of Guelf nobles and great guilds was still supreme in Florence, nor was its position seriously threatened in this period. It managed the affairs of the city with great skill in the crisis of Frederick’s coronation march in 1220; the victory of Castel del Bosco over the Pisans (1222) not only made Florence the most prominent city in Tuscany, but showed that its arms were more powerful than the ban of the empire. This was a period of political and economic growth, growth which was, however, accompanied by much financial confusion, land-grabbing, and corruption. Next we reach the inevitable change in the attitude of the Guelf leaders towards the pope. Notwithstanding the many quarrels between the government and the church, well illustrated by the anti-clerical statutes of 1225, and by the difficulties put in the way of the Dominicans and Franciscans, especially in regard to the acquisition of landed property, the interests of government and church were soon to be identical. Herr Davidsohn gives a good sketch of the origin of the quarrel between Gregory IX and Frederick II, but we doubt if he lays sufficient stress on the significance of the emperor’s doings in Lombardy in 1226, while it is curious to find him repeating the old story of the pope’s extreme age.¹ In the matter of Frederick’s religious position he seems to be still (part i, p. 376 ff.) under the influence of the Huillard-Bréholles school, which looked upon Frederick rather as an ecclesiastical revolutionary than as a sarcastic man of the world.²

After the battle of Cortenuova the Florentine Ghibellines raised their

¹ Herr Davidsohn puts the pope’s age at eighty-three in 1230 (i, p. 185). It was probably only about sixty (cf. Felten, *Papst Gregor IX.*, p. 6).

² Frederick’s real position in this matter seems to be stated most clearly by Hampe, *Deutsche Kaisergeschichte im Zeitalter der Salier und Staufer*, p. 222.

heads again. The emperor, anxious to have Florence on his side, granted it extremely favourable terms, for which the Ghibellines received the credit, and before long their position was so much strengthened that the leading Guelfs were forced to withdraw from the city (Easter 1240). Frederick's new policy in Tuscany is seen in the appointment of his son Enzo as legate, with Pandulf of Fasanella, 'the first of those South Italian nobles who appear so frequently in Tuscan history,' as captain-general, and in the rebuilding of San Miniato. The confiscation of the Aldobrandeschi estates gave Frederick all Southern Tuscany. In the final struggle which began with the accession of Innocent IV, both sides made desperate efforts to win over the People, who were now to be the arbiters. The pope worked on their religious passions, the emperor on their material side. Consequently the first organization of the People came from the Ghibellines and not from the Guelfs; the first captain of the People appears in fact in 1244 (part i, p. 296 ff.). It was all-important to Frederick that Florence should remain true to him. Soon after his 'deposition' by Innocent at Lyons, he wrote to say that *he* would give the city a new head; and by the appointment of perhaps the most gifted of his sons, Frederick of Antioch, as podestà of Florence and vicar-general of Tuscany, Florence became the centre of the imperial administration. The important question now arises, why, if the popular movement of 1244 was Ghibelline and imperialist, should that of 1250 have been the reverse? Herr Davidsohn finds the answer in Frederick of Antioch's financial exactions and his equivocal attitude towards the People, as marked by the deposition and fining of its captain; at the same time ceaseless plots were woven by papal emissaries, headed by Cardinal Ottaviano degli Ubaldini (an extremely interesting character-sketch of this curious person is given) and by the Franciscans, both friars and tertiaries. A *Parte Guelfa* was gradually built up, and a fresh withdrawal of the Guelf nobles in 1248 gave to the papalists an armed force. Its victory over Frederick of Antioch at Figline in July 1250 led to a popular rising in Florence, which was followed by the drawing up of the constitution of the '*Primo Popolo*'. This is treated in great detail. Herr Davidsohn shows that it did not represent a papalist, or even strictly speaking a Guelf movement. It was an attack on the *milites* without distinction of party. The people wanted peace between the factions, and recalled the Guelf nobles in January 1251: if the Ghibellines withdrew later it was of their own accord.

A new era of expansion set in during the troubled reign of Conrad IV and in the early years of that of Manfred. The reoccupation of the country was effected, intrigues with the Aldobrandeschi for the cession of a sea-port set on foot, a monetary union of Tuscany was arranged, while an alliance with Genoa illustrates the first general Italian league to isolate Pisa. The popular government was, however, by no means on good terms with the papacy. The interdict of 1255 and the execution of the abbot Tesoro Beccaria (Herr Davidsohn takes Dante's³ view that he *was* guilty of treason) were only the culmination of a long series of quarrels. At Montaperti the Florentines were under an interdict, and religious fervour was on the side of Siena. The results of that battle were not so

³ *Inferno*, xxxii, 118.

great as might have been expected. Manfred's great desire had been to win Florence by peaceful means. In this he had been frustrated by the Florentine Ghibellines. Nevertheless, comparatively few Guelfs were driven out. The new government made great efforts to win over the People, especially by the production of a scheme for a graduated income-tax, a device which has hitherto been thought to date from the fifteenth century. The submission of Lucca early in 1264 put all Tuscany at Manfred's feet. Yet that province was destined to have no small share in contributing to his fall. The course of events here is traced with great clearness, and the whole of chapter vii, 'Das Ghibellinische Florenz,' deserves careful study. It was, of course, absolutely necessary for the success of Charles of Anjou's proposed expedition that Tuscany and the adjoining country should first be secured to the church. The papal methods in this connexion are very instructive. They were partly religious, and involved the occurrence of a number of miracles, of which that of Bolsena has attained the greatest prominence, and here they were helped by the religious revival of 1260, that important year in Joachimite eyes. They were partly financial; full details of Urban IV's negotiations with the Florentine bankers are given, and a very curious study they make. Fortunately for the popes, Manfred's position in Tuscany underwent a change for the worse in the year 1264. The failure of the attempt to seize Urban in Orvieto produced a bad effect: the divisions in the Ghibelline party became more apparent, above all Pisa had quarrelled with Manfred over the question of the spoils of Lucca. Guido Novello made a desperate attempt to patch up this quarrel; but in the meanwhile Charles of Anjou had not to fear the Pisan fleet, and his unmolested arrival at the mouth of the Tiber in the spring of 1265 was thus wholly due to Ghibelline disunion. Moreover, once Charles had started, the Florentine bankers began to look upon his expedition as a profitable speculation, and to finance it accordingly.

Herr Davidsohn gives an exceedingly clear account of the confused series of events between the battle of Benevento and the definite establishment of Guelf domination in Florence in 1267. We see how unwillingly the pope was forced to acquiesce in Angevin supremacy in Tuscany through fear both of Conradin and of Guido Novello, and how consistently anti-democratic was the policy both of Charles and Clement. The 'People' were definitely excluded from the government, and the newly set up captain of the People was deposed. The first part of the volume ends with a sketch of the organization of the Guelf party as a *Nebenregierung* (p. 618). The first chapter of the second part is entitled 'Karl von Anjou, der Friedensstifter und Reichsvikar', and is concerned with the expedition of Conradin in 1268, and the results respectively of that prince's victory over the Marshal Braisalve in June and of his defeat at Alba (as we must now call Tagliacozzo) in August. The rising which followed the first showed that the popular movement was only sleeping, and that the slightest reverse was sufficient to awaken it. But Alba enabled Charles and the Guelf plutocracy to secure their position again, the ruthless administration of Guy of Montfort (podestà of Florence, 24 September 1270) having no small share in this result. Guy's career in general, and the circumstances connected with Henry of Almain's murder in 1271, are developed

in an extremely valuable section of the *Forschungen* (pp. 201-11). The great object of Angevin officials in Tuscany was to stop reconciliation with the Ghibellines, just as it was the main aim of the popes to effect it. Herr Davidsohn shows how cunningly Charles frustrated Gregory X's efforts for peace (a special section of the *Forschungen* is devoted to that pope's visit to Florence in 1273), and how entirely the Guelf party had got control of the state; how it levied taxation on its opponents, and how, for instance, on the bishop's death it kept the see vacant and enjoyed the revenues. All power had fallen into the hands of a few great families, vehemently hostile to peace. Hence arose the difficulties encountered by Cardinal Latino in 1279 and 1280. The strong personality of Nicholas III enabled that pope to hold in check Neapolitan pretensions in Tuscany. By depriving Charles of the vicariate of the province in September 1278 he much facilitated the cardinal's efforts for peace. The character and effects of the great reconciliation of February 1280 are treated at great length (chapter ix, and in the *Forschungen*, pp. 225-58). Although the peace did not last it gave the first shock to the Guelf-Angevin domination. The presence of the Emperor Rudolph's legates in Tuscany further revived Ghibelline hopes. Dislike of the French grew rapidly in Central Italy, as we see by the popular outbreak against them at Orvieto in 1281. The War of the Sicilian Vespers dealt the final blow. A few years later Charles II of Naples was scarcely more than a pensioner of Florence, while his kingdom was practically pawned to Florentine bankers.

In the very next month after the massacre at Palermo occurred a great constitutional change in Florence. The opposition to the Guelf clique was engineered by the rich citizens (June 1282), especially by the Calimala guild. The accession to power of the Priori dell' Arti was inaugurated under favourable circumstances. To the Ghibellines it was rather welcome than otherwise, for it seemed to promise greater impartiality of administration. The new government gave, in fact, to all classes that confidence which the purely party government of the Guelfs had failed to give (pp. 211 ff.). Its foreign policy, too, was eminently successful. It bought out many of the obsolete imperial rights. It had no small share in frustrating the attempt of Honorius IV to obtain Tuscany from the emperor as his predecessor had obtained the Romagna. At the same time it checked the interference of the church in the internal affairs of the state. The ecclesiastical situation in Tuscany at this time is explained on pp. 270 ff., particularly from the point of view of the Spiritual Franciscans, and of their influence on Dante; and the career of Ubertino da Casale⁴ is studied in detail.

We now follow (pp. 308 ff.) the course of the 'popular' struggle against the power and privileges of the nobles, beginning with the democratic legislation of August and October 1286. 'To the artisan a rich banker was as obnoxious as a feudal noble,' and the movement was directed against all nobles, whether of town or country. Corso Donati put himself at the head of the aristocratic opposition, but the failure of his *émeute* of 30 October 1286, and his departure in the following year to become podestà, first of Padua, then of Bologna, enabled the popular party to strengthen themselves. By 1288 they had regained the position which they had lost

⁴ *Paradiso*, xii. 124.

at Montaperti, and the successful issue of the war with Arezzo and of the battle of Campaldino (at which Herr Davidsohn has no doubt that Dante was present) finally established it.

The last chapter of the volume (pp. 402-568) contains a long and valuable account of the causes, direct and indirect, of the movement of 1293, in which 'there was no question of a revolution, but of the ensuring and legal confirmation of already won popular rights, of a decisive step towards the subjection of the plutocracy and feudal nobility, which had already for more than a decade formed the purport of the internal struggles; it was a natural consequence of the circumstances, which had led to the creation of the office of the Priors, and it decided the question whether an oligarchy of old families and *nouveaux riches* should rule on the Arno, or whether the people should decide the fate of their native city'. The economic development of Tuscany in the thirteenth century is of vital importance for the explanation of the events of 1293. This is elaborated under the heading 'Die Entstehung des Kapitalismus' (pp. 402 ff.). The growth of luxury among the nobility, the craze for building and costly decorations among the clergy, had early brought about the gradual mortgaging of their property to Florentine merchants; thus the foundation of the fortunes of the Gianfigliuzzi, whom Dante⁵ treats as usurers, was the mortgaged estates of the bishopric of Fiesole. The wars between the pope and the emperor, especially those between the last Hohenstaufen and Charles of Anjou, greatly increased this process, and gave to the Florentine bankers their international position. The development of the corn trade in Southern Italy and of the silk trade generally is discussed both here (pp. 418 ff.) and in the *Forschungen* (pp. 307 ff.). The account of the guilds brings out interesting details of the usurers and their practices; Folco Portinari, Beatrice's father, owed his wealth to this source (cf. p. 426, note 5), and Francesco d'Accorso, in common with other university dignitaries, found his most profitable victims in his own pupils. The capitalist power of Florence towards the end of the century was very imposing. But its acquisition had involved the creation of a peculiarly aggressive class of *nouveaux riches*, which excited Dante's scorn as *nuova gente*, and which appears to have merited the remark made by Dr. Johnson about a similar class of persons in his day, 'they have lost the civility of tradesmen, without acquiring the manners of gentlemen.' The internal history of Florence after 1280 represented the struggles of the industrial classes against the rich, whether Guelf or Ghibelline, feudal or mercantile. The old party cries were still heard, but they had lost most of their meaning. The struggle was in its essence economic; hence the fight against the magnates was fiercest inside the guilds themselves, the heads of which had long been looked on rather as opponents than as colleagues. In the years which followed Campaldino one measure after another was aimed at the rich. The manumission of the serfs and the creation—or rather thorough reorganization—of the Council of the Hundred, a definitely⁶ middle-class assembly,

⁵ *Inferno*, xvii. 59.

⁶ This is important in fixing Dante's social status (he was member in 1296). Herr Davidsohn (p. 435, n. 2) points out that this fact shows that Dante—notwithstanding his boast about his ancestry—was definitely one of the *Popolani*.

are merely instances of this process. Yet dissatisfaction on the part of the *popolo minuto* was still rampant. Many of the officials were practically tools of the Guelf magnates; corruption and bribery were rife. Finally, in December 1292, the four guilds of the Butchers, Shoemakers, Smiths, and Masons, took the lead and presented formal demands for reform.

The career of Giano della Bella, who now came to the front, is studied at length (pp. 461 ff.). His colleagues were chiefly business men, and the debate of January 1293 showed that the popular movement was also a movement involving reconciliation with still-exiled Ghibellines. Herr Davidsohn comes definitely to the conclusion that the 'ordinances of justice' (pp. 466-83) were not copied from Bologna, but that they merely represented a parallel development. In any case they were far more radical than the constitution which had been upset at Montaperti (an interesting parallel is given on p. 492), when the people were still in need of help from the Guelf nobles. The new government was essentially peace-loving, as its dealings with Pisa and Siena showed. The affairs of Pistoia, however, had long given Florence cause for anxiety and now necessitated direct intervention. The origin and progress of the quarrels in Pistoia, which date at least from 1286, and which exercised such a great influence on Florentine historians, are set forth on pp. 523 ff. The division of families into 'blacks' and 'whites' is shown to be very general, and particular attention is given in this connexion to these divisions among the Florentine Cerchi and Frescobaldi (1294). In October 1293 Florence was forced to intervene in Pistoia: Giano della Bella himself undertook the office of podestà, and the heads of the rival factions were exiled to Florence. But Giano, in restoring order, had quarrelled with the clergy, and he returned to Florence an excommunicated man, almost simultaneously with his enemy Corso Donati (June 1294). The volume ends with Giano's final struggles against an ever-increasing band of enemies, his flight (18 February, not 5 March, 1295), his condemnation by Boniface VIII—to whom the support of the Florentine government was all-important—and his last days in France, where he died about 1311. We leave Florence, for the present, in the precarious situation which was to culminate in the intervention of Charles of Valois and in the exile of Dante and his friends.

Most of the more important problems are further explored, as has been indicated, in the *Forschungen*, where attention may be directed to the articles on the development of the Franciscan movement in Florence (pp. 67-89), on the economic position and financial methods of the city, particularly towards the end of the century (pp. 268-316), and to the *Analecta Dantesca* (pp. 369-89), in which the chief place is given to the case of Pia de Tolomei,⁷ and to the intrigues, papal and other, which accompanied her husband's secret marriage with Guy of Montfort's widow, the countess of Pitigliano. There are also full accounts of Florentine religious foundations (p. 389), and buildings (p. 441); and, finally (p. 535), a list of the podestàs and captains between 1251 and 1330.

There are a few points, both in general history and in the history of some of the Italian states outside Tuscany, in which we venture to disagree

⁷ 'La Pia,' *Purgatorio*, v. 133.

with Herr Davidsohn. To speak of Innocent IV's 'flight' to Lyons in 1244 (i. 289) seems an exaggeration. The pope's progress was quite leisurely—he spent three months at Genoa alone—and his object in selecting Lyons as the scene of the Council was probably rather to get into easier touch with the rest of Christendom than to escape from Frederick II. The character-sketch of that pope (i. 435) seems to be influenced overmuch by the malicious stories of Matthew Paris. On p. 437 Herr Davidsohn follows Karst,⁸ in assuming that Alexander IV's bull of 9 April 1255 (here wrongly dated 9 March), granting to Edmund of England the kingdom of Sicily, reserved the *island* of Sicily as papal demesne. The document records the grant of 'Regnum Siciliae ac totam terram, quae est citra Farum usque ad confinia terrarum ecclesiae Romanae . . . excepta civitate Beneventana,' &c.⁹ The 'Regnum Siciliae' must here mean the island alone,¹⁰ the mainland territories, whose technical designation was 'Ducatus Apuliae et Principatus Capuae', being specified separately. The legitimacy of Manfred's sons is assumed (i. 580, note 4). This is contrary to the opinion of Ficker,¹¹ and seems directly contradicted by the documents published by Finke in the *Acta Aragonensia* (pp. 244 ff.), in one of which, dated 10 May 1305, the second son, Frederick, is called 'Vastardus filius regis Manfredum' (*sic*); on the other hand, it is doubtful if the Princess Beatrice, marchioness of Saluzzo, was illegitimate, as Herr Davidsohn states (i. 333). Charles of Anjou's second wife was niece, not daughter, of the duke of Burgundy; the marriage took place in 1268, that is to say, one and not five years after Queen Beatrice's death (ii. 17). The vexed question of the disposition of the armies at Alba is taken up again (pp. 37 ff.). Herr Davidsohn here maintains the old view, especially as regards the employment of Charles's reserve, and the exchange of armour between the king and the Marshal de Cousance, and he contests the arguments of Busson.¹² But he seems to have overlooked the important article of Roloff,¹³ whose drastic criticism of Primatus (to whom all Guelf accounts of the battle are eventually due) ought to have disposed finally of most of the legends surrounding the battle. Sternfeld's¹⁴ argument that Charles of Anjou had no previous knowledge of his brother's projects on Tunis, which is unreservedly accepted by Herr Davidsohn (p. 53 ff.), is difficult to accept in view of the documents recently printed by Del Giudice.¹⁵

Misprints in these volumes are commendably few. In i, p. 538 line 14, 'Louis' should evidently read 'Guido', and on p. 441, 'Dolentan' and 'Bixle' certainly do not represent any known English parishes. But these criticisms can only appear carping in view of the magnitude of Herr Davidsohn's services to Florentine history. I can, in conclusion, only express the hope that this splendid work may be made directly accessible to English readers.

G. BASKERVILLE.

⁸ *Geschichte Manfreds*, p. 100.

⁹ Rymer, *Foedera*, I. ii. 126.

¹⁰ Compare also Tenckhoff, *Papst Alexander IV.*, p. 37, n. 1.

¹¹ *Mitth. des Inst. für Österr. Geschichtsforschung*, 1883, pp. 1 ff.

¹² *Deutsche Zeitschrift zur Geschichtswissenschaft*, 1890, pp. 275 ff.

¹³ *Neue Jahrbücher für das Klassische Altertum*, 1903, pp. 31 ff.

¹⁴ *Ludwig des Heiligen Kreuzzug nach Tunis*, 1896.

¹⁵ *Codice diplomatico del regno di Carlo I e II d'Angiò*, vol. iii (1902).

The Arts Course in Medieval Universities, with special reference to Grammar and Rhetoric. By LOUIS JOHN PAETOW, Ph.D. (Urbana-Champaign University Press, 1910.)

THIS dissertation is a thoroughly good piece of work. The author has conscientiously studied not merely the statutes and other documents of the universities to which he refers, but a large number of medieval treatises and of modern books bearing on the history of medieval grammar, dictamen, notaria, &c. He has brought together and interpreted most of the facts that can be ascertained about his subject. In such a matter there is little room for wide generalizations, still less for novel ones. Most of those which he makes seem to me sound, though not quite all.

On one or two points Dr. Paetow seeks to correct my *Medieval Universities*. He disputes my assertion that 'after the decay of the literary schools in the thirteenth century no regular faculty of arts manifests its existence in the Orléans documents', and proceeds to quote evidence which, as he contends, contradicts this statement. But Dr. Paetow fails to distinguish between the existence of schools of grammar, and it may be even of arts generally, such as existed in scores of cathedral towns which had no pretensions to be *studia generalia*, and a 'regular Faculty of Arts', i. e. a faculty organized after the fashion of a university. There is nothing either in the documents quoted by him or in the 'formulary of Tréguier' to prove the existence of such a faculty. The exclusive reference to law in the series of bulls which recognize the existence of an organized university creates a strong presumption that there was not. Dr. Paetow also thinks that I under-estimate the importance of the study of grammar in the southern French universities, and holds that 'grammar flourished here more than it did anywhere else in Europe' (p. 49). I cannot regard this as proved, though I admit I had not noticed the indications of a distinct graduation in grammar which he produces. It happens to be possible to collect more references to grammar from the statutes of these universities; but it must be remembered that in the older universities many things were regulated by custom which in newer universities were made matter for statutory enactment, and the southern universities had completer codes of statutes than the northern ones. Moreover, in some university towns the universities incorporated with themselves, and consequently legislated for, the grammar schools to a greater extent than elsewhere. I see no reason to doubt that exactly the same kind of grammatical instruction was going on in the grammar schools of Paris and Oxford and Bologna as that which Dr. Paetow speaks of at Toulouse and Perpignan, though no equally detailed statutes on the subject happen to have come down to us. The writer himself admits that the students for whom these regulations were passed were often boys of ten years of age. That grammar was here spoken of as a 'faculty' is nothing surprising: it was the same at Oxford. Another point illustrates the danger of arguing from silence. We are told that 'of the ars notaria there are no traces at the medieval universities of France and England' (p. 91). But the Oxford statutes (*Munimenta Academica*, ed. Anstey, p. 302) speak of lecturers there who

studied the art 'cartas aliave huiusmodi scripta componendi', and who are required to attend also the lectures of the 'Artists lecturing on Grammar or Rhetoric'. This clearly means the notary's art.

The book is one of those academic dissertations which not merely testify to the competence of the writers, but form valuable contributions to their subjects. Dr. Paetow's pages are full of interesting and even amusing facts, each of them duly ticketed with a reference to its authority. But I see no reason why he should not have given us a rather more living and literary account, at least of some few pages, as to what all this classical and grammatical study really came to, and what level of culture at different periods it represented. A little more attention to style and literary presentation would not necessarily lower the academic status of the most learned dissertation. Nevertheless the book can be read with pleasure and interest. Dr. Paetow is kind enough to invite me to bring out a new edition of my *Medieval Universities*: when I do so, I shall be considerably indebted to his labours, including his full and useful bibliography.

H. RASHDALL.

Calendar of the Plea Rolls of the Exchequer of the Jews preserved in the Public Record Office. Vol. ii, Edward I, 1273-5. Edited by J. M. RIGG of Lincoln's Inn, Barrister-at-Law. (Jewish Historical Society of England, 1910.)

WHEN in 1902 we reviewed Mr. Rigg's *Select Pleas from the Exchequer of the Jews*¹ it was not possible duly to estimate the sound method with which he made his selection, as the bulk of the records was not then known. Though we see now that the best specimens were already given, we feel the more grateful for the completion of his task, as it must have been a tedious labour to translate these rolls dealing in the main monotonously with cases about bonds for debt and acquittances. The outcome of these 317 quarto pages of very small print is indeed far from sensational. The purpose for which the Christian borrower wanted the money is never revealed, nor do we learn anything about the Jew's opinions—for instance, whether he considered the worst usury as legitimate as moderate interest. Very often he remitted half or more of a debt (p. 59), sometimes in a 'concord' or 'fine', but in these instances he was perhaps always forced by the insolvency of the debtor or by the powerful influence of the crown, to whom a heavy fee was payable. Some criminal cases where Jews are murdered occur, but no particulars are stated (44). False money is called a trifling matter (13). The charge against certain Jews of having tried brutally to force a converted Jewess to abjure the Catholic faith seems to Mr. Rigg 'a mere attempt at extortion' (209); the reverse case occurs at Stamford, where the Jews charge three Christians with having abducted or slain a Jewish girl (33).

The chief interest of these rolls lies in the light they shed upon the administration of the king's right to protect and privilege the Jews in their money-lending, in order that he might talliage them arbitrarily and an accomplishment which placed them above the average Englishman of

¹ *Ante*, vol. xvii. 551.

extract from them many fees and fines; for instance, for the licence of changing residence or of transferring claims. A full third of every deceased Jew's property escheated to the crown, and the exchequer selected for this purpose 'the better and clearer debts owing' to him (19); Henry III once sold the third for 40s. a year to one Aaron, and he re-granted it to the deceased man's son, who now owes the 40s. to the king. Wealthy Jews were assessors of the taxes required from Jews;² one pays a fine to be dispensed from acting as talliager (13). Arrears of talliage are often respited; one Jew engages to pay double as much if he does not keep the promised term (46). The chirographs whereby the debtors acknowledged how much they owed to the Jews were preserved in royal chests; the keeper of such a chest had to swear an official oath and find sureties (61) before he got one of the keys from the sheriff (43). The mayor of York is also employed in choosing the clerk of the chirographs (62). The Jews among the chirographers were, like their Christian colleagues, called 'clerks' (4); this word, therefore, already means a writer. The chirographers, when ordered to forward documents to the exchequer, 'sent a pix sealed with their seals' (54). They find the particular pieces required by means of the scrutiny roll (63). Such chests existed in many places throughout England. Dr. Gross mentions twenty-six of them,³ to which I can add no name: a characteristic testimony to that lamented scholar's accuracy. Besides the names of the administrators of this department of the exchequer those of other royal officers occur; for instance, John de Wattile, keeper of the queen's gold.

Constitutional historians will note the cases where an immigrant like the earl of Gloucester or the city of Winchester or the liberty of Northampton refuses to allow the king's bailiffs to enter the territory; 'but the sheriff is ordered by the Court not to omit by reason of the said Liberty to enter' (in order to distrain; 82). Here and there a ray of light is thrown upon the economic conditions of many nobles, prelates, and ecclesiastical institutions. The crown repays a debt owed by Henry III to Edmund, son of Richard king of the Romans, with issues from the Jewish community. The warden and scholars of Merton are acquitted of a claim against their lands. As the king enforced the Jewish claims and often inherited or confiscated them, much of the relation between crown and barons turned upon those Jewish bonds which, in every rising of the barons, ran the risk of being burnt. As security the Christian often gave, or promised in case of non-payment, land, which the Jew might transfer to a Christian, as though it were his property, but not without royal licence (170). This explains why in many of these pleas both the parties are Christians (96). The court has also competence to try the suits of its officials; for instance, the claim of William of Middleton, clerk of the exchequer of the Jews. Of any relations between Jews and Christians otherwise than through business I have found no trace in these rolls. Not only the exchequer of the Jews (57) and the chirographers, but also individual Jews had their own seals (17), and they wrote with their own hand (44):

² Compare the keeping of the pleas of the crown in Norfolk by one Benjamin under Henry I: *ante*, xxv. 711 (1910).

³ *Papers of Anglo-Jewish Hist. Exhib.*, 1887, p. 187.

that age. If the exchequer suspected the authenticity of a document, the Jews had to swear to it (18).

It has been remarked⁴ how near to modern mortgage comes the pledging of land, seisin of which remained with the debtor until he made default in payment.⁵ Examples of this occur on pp. 35 f., 26, 80, 297. Oftener, however, the Jewish creditor or his Christian attorney or grantee gets seisin of the debtor's land (9, 22). The assize of alleged novel disseisin wrongfully helps the debtor to regain possession (297). Distress (5) without due form is treated as trespass (31, 36); once the debtor is bold enough to take the distraining bailiff prisoner (61). If a clerk possesses no lay fee, and therefore cannot be distrained upon by the sheriff, his bishop is ordered to distrain on him by his chattels ecclesiastical (28). London houses are valued at a yearly rent-charge of £10 (p. 46); the Jewish seller takes surety from the purchaser. In Cambridgeshire, on the other hand, two houses yield annually only 62 pence (43). There are instances also of payment in corn, but when a quarter of wheat is valued at £1 13s. 4d. this is not the market-price but an arbitrary sum favourable to the debtor.

For Jewish history, after all, there is most to learn from this edition. The French origin of these English Jews betrays itself by the majority of family-names, e.g. *Bonenfant*, *Vyves le chantur*. A few, however, are English, as *Bishop*, *Sweeteman*, *Bullock*; and these names prove that they were beginning in part to speak English. Some of the names retain a Hebrew word, as *Gabay*, *Meir*; others translate it, as *Deulegarde*. Two Jews are called 'of Germany', whence most likely they had immigrated. 'Motun gives the king 1 bezant, that his cognomen be changed' (19). Some of these names are still common among German Jews, as *Gutkind*, *Sänger*, *Süssmann*, *Ochs*, *Gabbe*, *Meyer*, *Schüps*. There are Levis, but no Cohens; these latter are concealed behind *Le Prestre*. The medical profession was everywhere practised by Jews; here we have 'Sampson le cyrurgien of London'. The English towns where Jews reside, or whence they take their names, are many more than the twenty-six where exchequer chests were kept; for instance, besides those enumerated by Mr. Jacobs,⁶ Berham, Bridgenorth, Buckingham, Cricklade, Hungerford, Royston, Sandwich, Southwark, Tickhill; Wilton had more than one synagogue. The Jews had been excluded from Berkhamstead, Newbury, and Southampton, but most likely they had found means to return. Even the vigilance of the Anglo-Norman exchequer sometimes proved unable to find a particular Jew who was wanted in its pleas; but in this case it amerced his mainpernors at least. In order to determine the claims of Jews against a particular debtor proclamations were made through the synagogues on two or three sabbaths, and the royal officer communicated the result to the exchequer (42); these returns were made by the constable of the Tower in Latin and Hebrew (44). The exchequer chests did not contain evidence of the whole property of the Jews; the land and chattels they owned had to be ascertained by the sheriff with the help of a recognition by a Jewish jury. It was also the

⁴ The editor has explained 'essoins, fine or concord, gage and pledge, inquest, liberties, seisin, warranty' in vol. i. (1905) pp. v-xviii.

⁵ Cf. *ante*, vol. xxv. 323 (1910).

⁶ *The Jews of Angevin England*, pp. 374, 382.

sheriff who supervised Jewish inheritances ; he inquired whether the Jew had died intestate (59). If both litigants were Jews and placed themselves on the judgement of a third Jew, the court would enforce this judgement by imprisoning the recalcitrant party (41).

The editor has not reprinted the pieces which he included in his former *Select Pleas*. Several parts of the parchment are so badly damaged that it was impossible to reconstruct the contents. Nothing, however, of the rolls for these two years seems to have perished, while a great many are wanting for Henry III's reign, owing most likely to destruction in the civil war. Very often the same case is treated in different parts of the roll ; but the editor has neglected to combine them by cross references ; the index, however, will easily help us to find out the various allusions to one action. Would not *manus equalis*, which I suppose is the original of Mr. Rigg's 'equal hand', be more clearly translated 'sequester'? As an introduction, Mr. Rigg's lecture on 'The Jews of England in the Thirteenth Century' is reprinted from the *Jewish Quarterly Review* for 1902.⁷ I cannot agree with him that feudalism made the existence of Jews in England impossible ; they were not the only class outside its pale in 1290. Nor is the baronial right of levying customs connected with chivalry. The name of 'antisemitism' does not suit the English feeling of the thirteenth century, which hated usury, the Jew's religion (much more than Mr. Rigg admits), and the alien, but not the oriental race at all. Let us hope that Mr. Rigg, after having finished the dry calendar work, will give us his final views with regard to the constitutional and legal results gained from his material. Whether the policy of expulsion was necessary or wise will most likely remain a matter of opinion.

The careful index, by the Rev. S. A. P. Kermode, must be gratefully mentioned, though we should have wished it to comprise, not only names, but some of the important subject-headings as well. Spain, Ipswich, and Ilchester are hidden under *Ispania*, *Gypfewic*, and *Ivecestre*, and all the names beginning with the definite article under *le*, while most readers will look for them under *Eveske*, *Moyne*, *Taillur*, &c. Nor should John del Exchequer have been separated from John de Scaccario.

F. LIEBERMANN.

Recherches sur divers Services publics du XIII^e au XVII^e Siècle. Par le Colonel BORRELLI DE SERRES. Tome III: Notices relatives au XIV^e et XV^e siècles. (Paris : Picard, 1909.)

THIS volume resembles the two previous ones from the same pen, which appeared in 1895 and 1904, in the learning and care for minute detail on which it is based. M. Borrelli de Serres's love of brilliant generalization is indeed obscured and hampered by his care for detail and his far from lucid style ; but our admiration for it only deepens at the courageous manner in which he has faced the dust of archives, and oft-times contented himself with a careful statement of confusing facts, rather than invent theories and marshal or suppress facts to suit them. Under his guidance we watch

⁷ In future volumes he will, we hope, point out again, as he did so well in the preface to vol. i, those cases which deserve special attention.

the slow and painful evolution of the centralized treasury, which made possible the centralized monarchy of the late fifteenth and early sixteenth centuries, proceeding, as all evolution does, by a series of experiments and occasional apparent retrogressions. At its outset the order of the Knights Templar, with their treasury of the Temple at Paris, acted as a kind of bank of deposit for the royal revenues: at the end, all the resources of the French monarchy had become centralized in the hands of the king and the royal officers.

The first of the studies is devoted to the history of the royal treasury from Philip IV to Philip VI. At the beginning of the period in 1294 the treasurer of the Temple presided over a kind of clearing-house, into which the surpluses of the royal financial agents were paid, along with documents of account in the shape of vouchers for expenses and receipts, which the treasurer balanced against one another in much the same way that a modern bank keeps a customer's deposit book. The greater financial ability of the Lombard bankers, to whose aid his contemporaries, Edward I and Edward II, had recourse, seems to have led Philip the Fair to transfer his account to their charge for a time. For in 1294 we find members of the families of Bichi and Muschiati administering the finances, as well as furnishing large loans. Probably, like the Bardi in England at a later date, they found carrying on the two businesses too great a strain on their capital, though the system resembling letters of credit which they had established over Europe must have been a great convenience to the government. At any rate, after that year, while they still continued to make loans to the king, the royal finances were transferred from their charge to a new treasury at the Louvre, with officers of its own, variously called receivers, treasurers of the Louvre, of the curia, of the king, or of France. This new arrangement lasted till 1303, when the treasury was again removed to the Temple, but not exactly under the old system. Treasurers were appointed by the king to act as coadjutors to the treasurer of the Temple in his administration of the finances. When the order of the Knights Templar was suppressed in 1307, the principal advantage gained by the king was the temporary command of a large sum of ready money. It is true that he received large sums from their property, but it was chiefly on account of sums owed to him by them as his financial agents. The bulk of their property went eventually to the Knights of St. John. The suppression of the order rendered a new system necessary, and Enguerrand de Marigny began by re-establishing a treasury at the Louvre, duplicating that at the Temple. He acquired the power of controlling the royal expenses as the sole centralizing and unifying agent, though he held no office of *surintendant*, as some writers maintain. What he did, in fact, was to create a confusion in the financial arrangements, which enabled him to have his own way. After his death the Louvre became the sole treasury, under the charge of two or more treasurers.

The second chapter contains lists of the different financial officers from the end of the thirteenth century down to the sixteenth: *tresoriers de France*; clerks of the Treasury; *changeurs*; officers of the *Chambre aux Deniers*; the *Argenterie*, keepers of the jewels; *tresoriers des guerres*. These lists have cost the author much labour, for the dates very often depend solely on the

identification of the seals of the officers affixed to various documents witnessed by them. The most striking general feature of the development in these services is the change from the principle of collective to that of individual responsibility. In the case of *tresoriers de France*, for instance, the responsibility became territorial, each treasurer having his particular province. In the case of the *tresoriers des guerres*, the process went still further by responsible financial officers being attached to each regiment.

The next chapter deals with 'Les plus anciens présidents au parlement'. Originally many magnates, both clerical and lay—bishops, &c., princes of the blood and barons of high rank—were members of the *parlement*, with a kind of precedence, which gave them the title of *présidentes*. Most of the ordinary lay members, who did the work, were appointed annually, but certain among them, generally skilled lawyers, were appointed to sit permanently and give judgement in cases. These also were *présidentes*, and as time went on, one of their number took the lead and acquired the title of *premier président* with the duty of presiding in our modern sense of the word. The first of these legal presidents, whose duty it was to pronounce the judgements of the court in the ordinary course of things, the magnate presidents having more of a ceremonial, extraordinary, and ornamental character, appears in the year 1252. In the early years of the fourteenth century they began to become a properly organized body, taking a principal part in the functions of the *parlement*, the position of the magnates and prelates remaining only as a remnant of the original character of the *parlement* as a delegation of the *curia regis*. By 1340 the permanent counsellors were becoming distinguished from the others by the title *tenens curiam* or *tenens sedem*.

The fourth chapter contains notes on different financial officials. It is shown that Enguerrand de Marigny has been given the title of Comte de Longueville by an error. The fall of the treasurer, Pierre Remy, whose importance has been somewhat exaggerated, belongs to the early part of the reign of Philip VI, not to the last years of Charles IV. M. Borrelli de Serres distinguishes between the careers of the different members of the family of Montagu, who presided over the government of the *hôtel du roi*. Jacques Cœur, who played an important part in the organization of French finance under Charles VII, did not do so much as has been claimed for him; his valuation of the resources of France was of no great significance or approach to accuracy. In the same way an exaggerated importance has been assigned to the family of Bureau, who have had the erroneous title of grand masters of artillery assigned to them. It is true, however, that they took a leading part in all the great sieges in the reconquest of France from the English, and the permanent command of the artillery, exercised by them, without any financial responsibility, was a step towards the creation of the office. In another note the author establishes the facts of the nomination of Jean Bourré as treasurer general of Dauphiné on the 6 January 1472, *tresorier de France* in Languedoc on 1 July 1473, and in Languedoc on 4 September 1474. A similar note on the nomination of Jacques Hurault, *tresorier de France*, establishes the eventual existence of the office of supernumerary treasurer, without functions, and the transference of the holder of it from one department to another. Hence

there resulted specialization of administration for each of them, and in addition (an arrangement which was altered in the following century) the incompatibility of the offices of treasurer and secretary, and the separation of the ordinary finances from the extraordinary for France proper, at a time when they were already united for the annexed countries.

In the chapter on 'Les feux dans le Languedoc' the author among other things proves that the hearth was not a territorial division, but was based on the family. The original basis on which the *feux* were reckoned was the possession of ten *livres* of annual revenue. The assessment on a community depended on the number of hearths it contained, but the assessment among the different hearths was left to the community. Many hearths were exempted on account of poverty or other causes, so that the number of hearths in each community shows a progressive diminution throughout the latter half of the fourteenth and early years of the fifteenth centuries. This failure of the basis of assessment to correspond with the real taxable revenues led to the abandonment of the system in the territory of Languedoc in 1428, when the estates themselves asked that the assessment of taxes might be made by *sénéchaussées*, and in each by dioceses, then by localities, leaving the regulation of the sub-assessment to responsible people in these. The reasons for this reform were the inequality of incidence due to local exemptions, and the trouble caused by the constant attempts to obtain such special exemptions by the different localities.

In the sixth chapter M. Borrelli de Serres enters into controversy with a numismatist, M. Dieudonné. Founding his arguments on the assumption of the existence of a 'money of account', in which the relation between the various multiples remained constant, he combats the importance attached to the *denier* and the *gros* in coin as monetary units. The former was frequently changing in value by successive appreciations and depreciations of the coinage, and the latter, though less subject to fluctuation, and for that reason generally used as the unit in estimating payments of coin, varied in value, nevertheless, so much in the course of the fourteenth century, that it also was incapable of serving as a common standard. This function was discharged by the 'money of account', in which accounts were calculated, the sums to be paid in coin being afterwards calculated by a process of conversion, and coin of the market value of the sum required handed over. The prices for the mark of silver preserved to us in certain documents as paid at the royal mint were statements of its value in the 'money of account' as estimated by the royal officers. The difference between the value of the coins struck from the mark of silver and this price, which was converted into current coin of the day at its market value, was the profit made by the royal mint. The most striking fact brought out in this essay is the constant change in both value in circulation, fineness, and official value at issue, of the different coins issued by the royal authority, which, while it contributed towards the royal profits from coinage, must have introduced the utmost confusion into commercial transactions. The last study of all is devoted to the establishing of a correct date for a valuable description of the numbers and functions of the officers of the financial administration called the *estat des offices*, to which M. Borrelli de Serres, from various internal evidences, such as the

numbers of various officials at different periods known from other sources, assigns the date of 1450-52.

Full of valuable material as are all these studies, the author's manner of presenting his results has a tendency to obscurity which is not all due to the difficulty of the subject with which he deals. His style is elliptical and involved, and the thread of his argument often difficult to follow. This is especially true where he enters into controversy, as in the study on 'Trois hypothèses sur les variations monétaires au xiv^e siècle'. His work, however, is one which no student of French institutions in the middle ages can afford to neglect. It is so thorough in its method that no pains taken in its careful study will be thrown away.

W. E. RHODES.

La Juridiction ecclésiastique en matière bénéficiaire sous l'ancien Régime en France. Tome I. Par P. DELANNOY. (Brussels: Dewit, 1910.)

IN this addition to the well-known *Recueil de Travaux* of the historians and philologists of Louvain we have the beginning of a study most instructive for the comparison of English church law with that of France. In a second volume M. Delannoy will describe the varieties of patronage in France between the concordat of 1516 and the revolution; in the present he gives an account of the procedure in litigation concerning benefices before the papal courts and those of the French ecclesiastical authorities, and also the part played by the *parlements* in such disputes. This inversion of the natural order does not lessen the value of a very clear and compact work, whose usefulness for English readers is increased by the fact that the author, writing for Belgians, explains when it is necessary the peculiar terms and practices of old French law. It is well for us to be reminded that the breach with the canonical past made by the concordat was almost as complete as that effected by parliament under Henry VIII, and that the change, once begun, inevitably advanced. But M. Delannoy shows one interesting survival, in the mischief of provisions. He makes no concealment of the evil wrought by their free sale, which tempted adventurers to purchase them as a speculation. If any irregularity, however technical, could be found in the process by which the holder of a benefice had entered into possession, the provisor had the right to have it declared vacant, and then stepped into it. M. Delannoy tells us that the church of France was in chronic confusion through such litigation, and that no beneficed clergyman could feel safe. He lays the mischief at the door of papal clerks, over whom their master had no control; but when we think of the succession of stately edifices which ends with the Palazzo Braschi we may be tempted to suspect that some part of their cost was defrayed by fees for provisions.

A great part of the book is taken up with the conflicts between church and lay courts, and with the extension of the *appel comme d'abus*. The *parlements*, according to M. Delannoy, were usually prejudiced against the holders of benefices, who were rarely, if the livings were worth having, working parish clergy; and our author seems to be thoroughly in sympathy with the assemblies of clergy which represented the non-residents and the pluralists. He is even indignant at the tendency, which was growing

strong as the revolution drew near, to assign the whole income to the vicar (if our term may be used) and to deny the rector's claims, unless he could furnish strict proof of his rights; a proof which lapse of time and the wars of religion often made impossible. The competence of the *parlements* was wide, not only through the tendency of courts to extend their functions, but through the aggressiveness of Gallican loyalism, which sometimes, M. Delannoy admits, secured substantial justice to sufferers by ecclesiastical decisions. But there was an ample field for the canon lawyer, when a bishop whose diocese lay in the resort of more *parlements* than one had to have a court for each part, and when, as at Lyons, the system included, for litigation arising within the diocese, an episcopal, a metropolitical, and a primatial court, through which appeals had to run before the pope could be approached. And the canonists were strongly protected by the *parlements*, who habitually maintained the independence of the official against the bishop who appointed him, often against the wishes both of king and clergy. There are interesting analogies here to our own debates on the status of the ecclesiastical judge. A minor point is the struggle of the universities to maintain the rights of their graduates to preferment against the increasing host of seminarists, and the efforts of the latter to evade their disqualifications. A system grew up like that of the old Cambridge 'ten-year men', and questions arose as to the effectiveness of degrees frankly bought. At one time the university of Bourges was selling them at the rate of five hundred a year. It is curious that the status of *docteurs bullaires* was disputed, though Lambeth degrees have been fully recognized with us since Peplow's case.

M. Delannoy is the first to use for his inquiry the archives of the clergy of France, thrown open in 1903, and has explored a wide range of printed as well as manuscript literature. We must thank him for a really valuable addition to our knowledge.

E. W. WATSON.

Le Maréchal d'Ancre et Léonora Galigai. Par FERNAND HAYEM. (Paris : Plon, 1910.)

THE premature death of M. Hayem prevented the completion of his work; yet this unfinished study on the Concinis, to borrow a phrase from the preface of M. Abel Lefranc, should have 'une place honorable dans la littérature historique du temps de Marie de Médicis et de Louis XIII'. The author, in the words of the same critic,

arriva à cette conclusion que le caractère et la vie de cet aventurier célèbre n'avaient été ni si noirs ni si criminels qu'on l'avait dit. . . . Il ne s'agit donc pas, à proprement parler, d'une véritable réhabilitation, — le mot serait trop gros et sans doute inexact, — mais plutôt de l'explication d'une carrière extraordinaire, qui se justifie autrement que par des crimes et par de basses intrigues.

The history of the Italian adventurers is minutely described down to the year 1613. In the opening chapters the respective origins and early years of the future husband and wife, the series of events leading to the admission of the Florentine to the household of Marie de Médicis, and to his marriage with Léonora are fully treated. M. Hayem, as a follower of 'le culte du document précis', disputes many of the conclusions drawn by former

historians, or would modify their views. Michelet's description of Léonora as she was in 1601, quoted on p. 27, is a case in point. Contrary to the received view, which is based on Sully's version, he shows Henry IV on the whole to have been favourable to Concini. The king appreciated one whom he found useful as a negotiator between the queen and Madame de Verneuil as well as 'un bel homme de cheval, un courtisan adroit, un joueur incomparable qui avait l'esprit de perdre beaucoup d'argent et le mérite de n'en pas demander souvent'. M. Hayem defends Concini against Sully, Michelet, and others who have declared him the instigator of the murder of Henry IV and the father of Gaston of Orleans. He indicates that the act of Ravallac was not in accordance with the interests of the Concinis, inasmuch as it was in the last years of the reign of Henry IV that their fortunes were made. Léonora at this period is described as 'une faible créature dont le corps fut tourmenté par la maladie, l'esprit torturé par les superstitions'. The account of the various methods attempted for her relief throw an interesting light on the superstitious attitude of the period. The prayers of a certain 'la Pasitée' who came from Siena and 'passait pour une sainte' were temporally efficacious. Léonora was then treated by a body of Ambroisiens who practised for two months 'leurs incantations bizarres qui formaient un curieux assemblage de rites sacrés et de cérémonies profanes'. Accounts of these proceedings and of persons who practised magical arts in relation to Léonora, notably Montalto, her Jewish doctor, are taken from the various depositions made at her trial.

The history of the regency, which was of course largely that of the Italians and their further acquisition of power and wealth, is given in some detail. The account of Concini's relations with the citizens of Amiens is of special interest. Once he had obtained the government of the town his field of action was extended; no longer a mere 'gentilhomme domestique . . . il prétendait participer à l'administration de leur royaume'. In relation to his attitude towards the various coteries of nobles he is described as a 'girouette politique'. His appointment as 'maréchal de France' on 17 November 1613 drew forth a number of satirical and other protests which serve as special indications of public opinion.

M. Hayem's narrative closes abruptly with this year. The remaining part of the book contains the documents brought to light by the author arranged in chronological order, from which the later history of the Maréchal d'Ancre and the trial of his wife may easily be constructed. The printed documents relating to the 'Procès de Léonora Galigai' are an almost complete collection. They consist of (1) *Les arrêts de l'instruction et le jugement*, drawn from an eighteenth-century compilation of 'procès criminels'; (2) *Les pièces produites*; (3) *Les interrogatoires*. The depositions of the various witnesses are of the utmost interest, they touch on all matters connected with the Concinis, from their foreign correspondence and political influence to the magical gear which was found in the Hôtel d'Ancre.

As a rule M. Hayem has made a careful study of his sources, and handles them well, but the use to which he puts them is not always consistent. The evidence of Sully and Bassompierre, for example, discredited in several instances, is used in others to support his contentions. There is unfortu-

nately no bibliography, and no reference is made to the voluminous pamphlet literature on the subject (both English and French) which appeared immediately after Concini's death, and which at least illuminates the contemporary point of view.

CONSTANTIA MAXWELL.

Tracts relating to the Civil War in Cheshire, 1641-59. Edited by Rev. J. A. ATKINSON, M.A., D.C.L. (Chetham Society, New Series, vol. lxx, 1909.)

THESE thirty-seven tracts begin with the Roman Catholic resistance to disarmament in November 1641, and conclude with the abortive rising of Sir George Booth in August 1659. The documents selected are petitions to king and parliament, warrants of the king, declarations and ordinances of parliament, and reports, official and private, of military operations. The various 'relations' of events, all Puritan in bias, afford ample evidence of the distracted state of the county, in which the parliamentary faction, led by Brereton, Booth, and Middleton, contended with the Stanley interest and the royalist forces of Byron. A petition to the king, praying for the maintenance of the Anglican liturgy and the suppression of schismatics (Tract v, p. 34), is countered by another of exactly contrary sense addressed to the parliament (Tract vii, p. 40); and two petitions presented to the king at York, 7/17 May 1642, differ considerably in tone, one demanding his return to Whitehall, the other merely deprecating his rumoured journey to Ireland (Tracts vi and vii, pp. 36-44). In July 1642 the citizens of Chester refused submission to the king's commission of array (Tract ix, p. 47), but two months later the same city received the sovereign within her walls with every demonstration of loyalty (Tracts xiv-xviii, pp. 59-73). The royal visit 'strangely altered' the state of the county (p. 63), and the triumph of the royalists seemed complete; yet in December royalist commissioners and parliamentary agents combined in an attempt to tranquillize their county by a treaty of peace and neutrality within its boundaries, which was promptly condemned and abrogated by the parliament (Tract ii, p. 24).

Tracts iii and xxiv contain minute instructions to Brereton, Booth, and others for the diligent prosecution of the war and rigorous suppression of 'malignants'; and detailed accounts of all the principal battles and skirmishes that occurred in Cheshire are given in Tracts iv, xxii, xxiii, xxv, and xxviii. Tract xxvi contains the articles for the surrender of Chester with Brereton's report of the transactions, and Tracts xxxii-xxxvii deal with the rising of Sir George Booth in 1659, his defeat by Lambert, and his subsequent capture at Newport Pagnel. This last tract is also reprinted in the *Clarke Papers*, vol. iv, pp. 44-8. Note-worthy points are the fear evinced of the Irish troops and the mention of the armed women who accompanied them (pp. 110-11), the important place held by Lady Cholmondeley in the royalist counsels (pp. 79, 80, 90), the engagement of the parliament to repay, with eight per cent. interest, all sacrifices of money or goods made in its service, and to have regard in this indemnification not merely to the weight of plate but also to its artistic value (pp. 14, 15). Lord Byron's solicitude for the preservation of books, deeds, evidences, manuscripts and writings, appertaining to himself,

the clergy, and the city churches, is also interesting (pp. 130, 132). The usual charges of rapine and violence are alleged against the Cavaliers (pp. 63, 64, 74, 94-5), while plunder and levies by the 'godly' assume another complexion (pp. 24, 126); that there were also disorders among their forces is evidenced by the order of parliament of 18 August 1642 (p. 52). It is regrettable that the editor has made no attempt to elucidate and correct the misspelling of names, either by footnotes or in the index. They occur in varying forms without explanation or comment—thus 'Robert Milmore' remains unidentified with Lord Kilmurray, i. e. Kilmorey (see pp. 87, 92, 192). But the great fault of the collection is the hopeless confusion of its chronology—due, apparently, to misunderstanding of the old style of dating, used, of course, in the original tracts. The condemnation of the treaty of neutrality, 7/17 January, 1642/3, is placed on page 4 as Tract ii, while the treaty in question, 23 December 1642 (i. e. 2 January 1643, n.s.), figures on page 75 as Tract xx. The military operations of January-March 1642/3 are placed before the king's visit to Chester, September 1642; and the surrender of Chester, February 1645/6, is caused to precede the battle of Rowton Heath, 24 September (4 October, n.s.) 1645, which made the surrender inevitable.

EVA SCOTT.

The Correspondence of Jonathan Swift, D.D. Edited by F. ELINGTON BALL. Vol. I. With an Introduction by the Very Rev. J. H. BERNARD, D.D., Dean of St. Patrick's. (London: Bell, 1910).

THIS new edition of Swift's correspondence is in several ways much superior to all the older collections. In the first place, it brings together and includes in one consecutive series a number of miscellaneous letters which have been printed in various books since the publication of Scott's edition of Swift in 1824. Secondly, it contains a certain number of letters written to Swift or by Swift which have not hitherto been published. In this volume there appear to be about thirty or forty letters not in Scott's collection, and the letters of Swift to Vanessa, which Scott printed in an appendix to his nineteenth volume, are now inserted in their proper chronological place. Wherever possible, too, the originals of the letters have been consulted, so that a much correcter text is now given us, while the dates assigned to some of the letters have been more exactly determined. 'The principal sources from which the previous editions have been augmented and revised' are, according to Mr. Ball's preface, the Forster Collection at South Kensington, a volume of Swift's letters in the possession of Mr. John Murray, the Hawkesworth MSS. in the British Museum, the correspondence of Archbishop King in the library of Trinity College, Dublin, and the manuscripts of the marquis of Bath and the duke of Portland.

Mr. Ball claims 'that the present edition is the first in which any extensive annotation has been attempted', and the claim is amply justified. The notes on persons and places in Ireland, and the explanations of references to contemporary Irish politics are particularly valuable to English readers. But this must not be taken to imply that the notes on English persons and events are not equally careful. However, there are

a few slips. It is difficult to believe that Archbishop King wrote 'post est occasio salvae' when he urged Swift to get preferment while he could (p. 349). On p. 113 Anthony Henley, writing to Swift, says he will stand security for all Swift's children, though he were to have 'as many as the Holland Countess'. A footnote explains this to refer 'to the famous Penelope Devereux . . . whose second son by her first husband was the first Earl Holland'. This is quite wrong: it refers to the fabled Dutch countess, who was punished for reviling a beggar woman with two twin children.

The beggar woman being thus provoked with ill words, and without alms, fell to imprecations that it should please God to show his judgement upon her, and that she might bear at one birth as many children as there be days in the year, which she did before the same year's end.¹

Her tomb was shown at the Hague, and the legend is mentioned by Sir William Brereton in his *Travels*, p. 35, and by Evelyn in his *Diary*, under 1 September 1641. In the note on p. 354, mentioning the portrait of herself by Kneller which Lady Orkney presented to Swift, the editor might with advantage have said what became of the portrait. By his will Swift left it to the earl of Orrery. No doubt it is the portrait of which a photograph is given in the *Orrery Papers*, i. 190.

The preamble to the earl of Oxford's patent referred to in a note on p. 257 is printed in Scott's *Swift*, v. 362, and in a different form in the *Harleian Miscellany* (ed. Park). As to the Memoirs of Guiscard, mentioned on p. 242, it seems probable that Swift's reference is to the English version published by B. Bragg at London in 1707: '*Authentick Memoirs, being Secret Transactions in the Southern Provinces of France to rescue that Nation from Slavery*. By the Marquis of Guiscard, Lieutenant-General of the Forces gone upon the Present Descent.'

C. H. FIRTH.

Storm Van's Gravesande. The Rise of British Guiana compiled from his Dispatches. By C. A. HARRIS, C.B., C.M.G., and J. A. J. DE VILLIERS. 2 vols. (London: Hakluyt Society, 1911.)

THE labours connected with the preparation of the cases of the respective parties in the boundary disputes between Great Britain and Venezuela and Brazil, decided by arbitration, brought to the light an immense amount of documentary matter which had previously lain neglected and unknown. Much of this material has never yet been published and awaits full examination at the British Museum. The Hakluyt Society has done well, however, in selecting for publication copious extracts from the Reports of Laurens Storm Van's Gravesande, which illustrate the thirty-four years (1738-72) which saw the rise and real geographical expansion of what is now British Guiana, and in entrusting their editing to Mr. C. A. Harris and Mr. J. de Villiers, whose knowledge of the Venezuela arbitration business made them especially competent for the task. The reports are of extraordinary interest on two grounds. In the first place, they show the natural process of Dutch expansion, which was the foundation of the British case in the arbitration proceedings. Further, they serve to bring out the idiosyncrasies

¹ *Howell's Letters*, bk. i, section ii, number 13.

of a singularly interesting individual character, and by their methodic detail enable us to picture the daily life of the colony.

The ships that come and go from Zeeland, the cargoes that they bring, the supplies that he needs, the produce sent home, the gains by trade, the losses in certain ventures, the state of the company's plantations, the doings of the company's servants, of the dominie and the doctor, questions of police, matters of civil jurisdiction, the squabbles of individuals—detail upon detail that go to make up the life of a settlement—all these are found in the dispatches of the Director-General and teem with intensely human interest.

With regard to the first point, the extent of the colony, it appears that the extension of the sphere of Dutch influence, which had its base in Essequibo, belongs to a period a little prior to Storm's government. His part was 'to realize, to consolidate, and to give definition to the idea of territorial ownership'. At the same time it seems certain that Storm's governorship was 'the period which made the present colony of British Guiana a possibility'. In spite of the apathy and niggardliness of the directors of the Dutch West India Company, he worked steadily in the direction of consolidation; so that 'when, at last, 150 years after his time, the question of the colony's true area came to be fought out before an international tribunal, it was old Storm's work and utterances which gave such welcome support to the successors of the Dutch. The history of British Guiana can never, in fact, be divorced from that work.'

It was to the wise encouragement given by Storm to English settlers that the province of Demerara owed its development. The secret of his success as governor of a country abounding in Indians was, to a great extent, the enlightened character of his Indian policy. By establishing the most friendly relations with the Indians he obtained a bulwark against any rising by the negro slaves. When in 1760 there occurred in Berbice a dangerous revolt of the slaves, Storm sent the whole of his available force to that colony in its extremity, committing the protection of Essequibo and Demerara to friendly Indians. The Dutch, indeed, inherited the tradition of Raleigh, and in turn handed it on to the British after the creation of British Guiana. 'Storm's investigation,' we are told,

of the boundaries of the colony under his command, and his maintenance of the rights of the Dutch company against the aggressions of the Spaniards, were at once the foundation and the coping-stones of his efforts to consolidate the colony as a geographical unit. It is impossible to exaggerate the importance which his dispatches had in the recent boundary dispute between British Guiana and Venezuela. Just as his careful trade administration and his Indian policy fixed the geographical extension of the colony of British Guiana, so his vigorous denunciation of Spanish claims and his insistence on the responsibility of the Dutch company to their furthest limits, furnish the legal basis upon which the British found their title to their one South American colony.

Storm's contention was that the Dutch had from time immemorial been in possession not only of the river Essequibo and of other rivers along the coast, but also of all branches which fell into the Essequibo, and especially of its most northerly arm, known as the Cuyuni.

It is, however, in their vivid portraiture of a strong man fighting with adverse circumstances and greedy stupidity that these volumes will afford most interest to the general reader. We are accustomed to speak of

English colonial administration as inefficient and slatternly, but compared with that to which he was accustomed, it seemed to Storm a model of wisdom. 'The English Colonies,' he wrote,

in the islands and in North America furnish convincing proof what can be done by care of and attention to population; those colonies are not only in a position to maintain themselves, but can, moreover, in time of war inflict serious blows upon their enemies (as was proved by the capture of Cape Breton), and far from being a burden upon their mother-country, are of great advantage to the latter; this fact being generally known requires no comment.

Of his own position as commander Storm gives a most doleful account.

It is impossible for me to go on like this any longer, losing money, as I do, annually. I live in middle-class fashion, my fare is ordinary, nay mean, for even no wine is drunk except when there is a church—or court-meeting; I dress rather below than according to my station, for which I am much talked about, and yet I get more backward every year, finding that what I had put by as secretary is dwindling since I am commander.

In 1769 he assured the directors 'that there is no office in the two rivers, from that of director-general down to the meanest (except the sales-master's), the holder of which can live respectably, according to his rank and station'. In this state of things others no doubt were less conscientious than Storm, who, when a certain gentleman came to him 'to grease his palm', offering him six thousand guilders, indignantly refused them. The company refused either to accept Storm's resignation, or to support him with adequate supplies. In his last dispatch he wrote:

How painful it is to me to find in my old age and at the end of thirty-four years of service, that in spite of my unwearying efforts and persistent admonitions, quarrels and discord have reigned not only among the burghers, but have also found a place among the rulers.

Of special interest are Storm's relations with the English whom he encouraged to settle in Essequibo and Demerara. His action may in the long run have conduced to the British occupation of the colony, but at the time Storm no doubt acted for the best; the English bringing with them both energy and money. One Gidney Clarke stands out as the most prominent of these Englishmen; and his treatment by Storm and by Storm's masters well illustrates the different character of their policies.

On the ground, then, both of British Guiana's history, and of the interest of Storm's own nature, the editors deserve hearty thanks for rescuing his career from oblivion. The learning and the thoroughness of the explanatory notes further add to the value of these volumes. H. E. EGERTON.

Discours de Danton. Édition critique, par ANDRÉ FRIBOURG. (Paris: Société de l'Histoire de la Révolution Française, 1910.)

It is clear from M. Fribourg's introduction that an accurate edition of Danton's speeches was much needed. Throughout the French revolution the reporting of parliamentary debates was wretched. Attempts at shorthand reports were few and unskilful, and were soon abandoned. Without shorthand there can be no accurate reporting, and all the other circumstances of the time tended to make parliamentary reports peculiarly

untrustworthy. With the exception, therefore, of speeches prepared for publication by the author, and of speeches printed by order of the body to which they were addressed, the precise words of even the most famous revolutionary orators are now hard to recover. This is particularly true of Danton, a practical man who valued rhetoric only for its immediate effect, and rarely or never corrected any of his utterances for the press. In his case little has since been done to remedy the defect. The edition of Danton's works which Vermorel published in 1866 is shown by M. Fribourg to have been a hasty, uncritical performance by a politician who wished to stimulate republican sentiment. The vast collection of debates first edited by Mavidal and Laurent, and known as the *Archives Parlementaires*, M. Fribourg, following M. Guiffrey, condemns as insufficient, uncritical and untrustworthy. He charges the editors with having made up the text of the speeches by drawing capriciously upon unsifted sources of most unequal value, sources which at first they did not indicate at all and in after years indicated very imperfectly. The sources for Danton's speeches are carefully distinguished in the present introduction. As Danton was a barrister, we have first to ask what remains of his forensic oratory. Here critical difficulties hardly arise, since, when his pleadings have survived, they survive in the original text. In various public repositories M. Fribourg has detected twenty-two of these, enough to show that Danton had some practice, and that Madame Roland's taunt against the advocate without causes was an exaggeration. To this extent the charges of corrupt motive brought against Danton as a penniless lawyer who saw in politics a source of wealth are rendered less plausible. These legal compositions are not otherwise of historic interest, nor do they reveal any exceptional powers.

Danton did not sit either in the national or in the legislative assembly. It appears that his harangues at the Palais Royal, in his section, and at the club of the Cordeliers are almost entirely lost. The speeches which he delivered at the Jacobin club and in the convention are practically all that is left of his political eloquence. As regards speeches made in the Jacobin club the sources are meagre down to September 1793, when the *Moniteur* and other journals began to report in some detail what was said there. Danton had not then many months to live, and his occupations elsewhere seldom allowed him leisure to address the Jacobins. The much more important speeches delivered in the convention are fortunately better preserved. Here, as elsewhere, M. Fribourg has elaborately classified the authorities available. For every known utterance of Danton, were it only a single sentence, a casual remark or an answer to a remark made by some other person, he has selected the report which seems the most trustworthy, most often the report in the *Moniteur*, and has printed it in the text. Then he has given in the notes the additions or variations furnished by other reports. To be exhaustive was impossible, but the number and often the petty consequence of these differences prove the unsparing pains of the editor, and give us strong reason to believe that nothing valuable has been omitted. Indeed, it is surprising that all this conscientious toil should not have more affected our historical knowledge. The additions and variations to which we have referred usually concern style much more than

matter. We have not found any which would appreciably modify the estimate of Danton as a statesman. The temper of the man, his general principles, the view which he took of each crisis in the revolution, the spirit in which he defended his opinions or justified his actions, reveal themselves in this scholarly edition of his speeches much as we have known them before. The famous phrases associated with his name remain intact. Even in the literary view the various readings are not of very high interest. Danton was an orator in one sense, and that perhaps the best. He was a man of practical insight and vehement nature, who said forcibly what he wanted to say and then sat down. He was not an orator of that academic type which was then so plentiful. Nor was he an instinctive artist in words. Neither the construction of his speech as a whole, nor the construction of individual paragraphs or sentences, seems to have cost him a moment's thought. Now and then he achieved some most telling turn of expression, but he did not habitually pick his words or elaborate his images. If we take any of the longer speeches in this collection, that, for example, which M. Fribourg entitles 'Declaration of war against the Girondins', we are struck by the singularly careless way in which Danton passes from one topic to another, by the general roughness and seemingly impromptu character of the whole performance.

F. C. MONTAGUE.

Papiers de Barthélemy. Vol. VI. Par A. JAUSERAT-RADEL. (Paris : Alcan, 1910.)

AFTER a delay of sixteen years, caused by the death of M. Kaulek, the Commission of the French Archives has now published the sixth volume of the papers of the ablest diplomatist of France in the period 1794-6. The peace of Basle which Barthélemy was largely instrumental in concluding with Prussia on 5 April 1795, was, says the editor, logically succeeded by that with Spain on the 22nd of July following. This statement may be questioned. The relations of Prussia and Spain to the revolutionary war were wholly different. The court of Berlin had no weighty reasons for persevering in it after the close of 1794, when the collapse of the coalition was patent, and Prussia and Russia had come to an understanding about the partition of the remaining Polish lands. Further, the house of Hohenzollern felt none of the claims of family honour which should have spurred on Charles IV of Spain to continue the war against France. The conclusion of the Spanish peace was therefore in a sense a greater achievement for Barthélemy than that with Prussia. There were several reasons why Spain should remain true to the monarchist cause. Two of them are scarcely mentioned by the editor. In May 1795 England concluded a triple alliance with Austria and Russia, which promised to bring into the field far larger forces than those which Prussia had covenanted to send but had omitted to send. Secondly, Pitt was preparing to dispatch a force of *émigrés* in British pay to the coast of Brittany, partly with the aim of lightening French pressure on Spain. He laid stress on these considerations by dispatching the earl of Bute on a special mission to Madrid. Any other sovereign than

Charles IV, any other prime minister than the duke of Alcudia (Godoy), would have felt impelled by honour to make corresponding efforts against France. A study of the British archives, especially of Bute's mission, would have enabled M. Jausserat-Radel to place the policy of the court of Madrid in a clearer light.

Even so, his account of the shuffling course pursued by Godoy affords strange reading; and the dispatches which Barthélemy sent to the committee of public safety show that the Spanish government made but half-hearted efforts for the release or exchange of the 'membres de la famille Capet', confined in the Temple. Godoy's envoy at Basle, Don Yriarte, showed much concern lest the death of 'Louis XVII' might interrupt the negotiations; but it did not, except for a day or two. Godoy's letters to Yriarte soon recurred to the spiritless tone which marked them throughout, and the Spanish envoy allowed Barthélemy or members of his embassy to realize the dejection of his court. On point after point Yriarte gave way in the second week of July, and assured Barthélemy 'que l'Espagne veut sincèrement la paix' (p. 71). On the 21st Barthélemy informed the committee, 'Tous ses discours me persuadent que la paix avec l'Espagne est en vos mains' (p. 78). The final step was taken in consequence of the urgent entreaties of Godoy, and in the most craven manner conceivable, so much so as to awaken the suspicions of Barthélemy that there must be some trap. The terms and the secret articles are given in full; but the editor does not explain in his introduction how serious was the influence of this surrender on the Anglo-French expedition to the Île d'Yeu of September–November 1795. The second part of the volume, dealing with the exchange of Madame Royale for certain French prisoners in the hands of the Austrians, is of less interest. It is curious that on her way to the Rhine she received an almost public reception from part of the municipal body of Chaumont. She was set free at Huningen on 26 December 1795, not on 24 December, as the editor states in the introduction. The official report asserts that she showed much regret on leaving France.

J. HOLLAND ROSE.

Terre Napoléon ; a History of French Explorations and Projects in Australia.

By ERNEST SCOTT. (London : Methuen, [1910].)

THIS book might with advantage have been compressed into somewhat smaller compass. Not that the writer has nothing fresh to say, for in endeavouring to show that current conceptions in regard to Baudin's voyage are to a large extent mistaken he certainly makes out a plausible case. He has evidently spared no pains to get at the best first-hand evidence, and the amount of literature he has consulted, both on the general history of the Napoleonic era and on the special subject of Australian voyages, is very considerable. But he has a leisurely way of approaching the subject, taking it up bit by bit and coming to the main points only after a somewhat tedious preparation of the ground. Whether, too, after the lapse of more than a century, it is altogether desirable to dwell on the various unpleasant features of a voyage that was in any case far from a brilliant success, may be open to question.

The points of a more or less controversial character are three. The most important is perhaps the question whether, as is often stated, Napoleon had a distinctly political motive in dispatching Baudin's expedition. Mr. Scott holds that he had not, but that the expedition was quite on a par with the other purely scientific voyages of the French to the southern hemisphere in the eighteenth and early nineteenth centuries. He certainly succeeds in showing that many of the current statements were in the first instance mere conjectures, and that there is absolutely no positive evidence in favour of the supposition. Still it is difficult to feel sure that the possibility of political advantage may not have been present in Napoleon's mind, and this in fact Mr. Scott does not entirely deny. A second correction has regard to the supposed pirating of Flinders's charts during his unjust detention at Mauritius. This, too, seems devoid of solid foundation, though the author does not free the French authorities from the charge of having protracted that detention with a view to silencing an inconvenient rival until the results of the French voyage should be published. In the third case (which in the book comes first) his verdict is less favourable to the French voyagers than that of most writers. He not only shows reason for believing that Port Phillip was not found by Baudin during his navigation along the southern coast of Australia, but holds that the claim to the discovery was fraudulently made by the chroniclers of the voyage. It must be remembered that Baudin himself was dead when the narratives were written, and that neither Péron nor Freycinet claims to have seen the inlet himself (the latter was in fact not with Baudin at the time of the supposed discovery). It therefore seems not impossible that the statements were due to a misconception.

The question of Baudin's qualities as a commander is left by Mr. Scott as more or less of a riddle. Many of the details recorded show him in a very unfavourable light, but it is only fair to remember that the available versions come from men between whom and their chief friction had constantly prevailed. It should perhaps have been explained that the title of the book reproduces the name given by the French to the South Australian coast west of Bass Strait, though the only portion of this to which it could justly be applied in virtue of discovery would be the inhospitable stretch between Cape Banks in South Australia and the mouth of the Murray.

EDWARD HEAWOOD.

The Campaign of Trafalgar. By JULIAN S. CORBETT. (London: Longmans, 1910.)

THOSE who study the naval campaign of 1805 from the normal point of view, that of Napoleon's projected invasion of England and of the measures adopted to defeat him, must have often found the connexion of the battle of 21 October with the other operations difficult to explain. The invasion scheme had been foiled three months before Trafalgar by Calder's action of 22 July off the Spanish Finisterre, which, if tactically indecisive, had far-reaching strategical results. By 21 October even a victory for the combined fleet would not have meant an immediate invasion of England, for there would have been no 'Army of England' to improve the oppor-

tunity. The force that had borne that title had changed its mission in life and was just receiving Mack's surrender at Ulm. Yet there must have been some more probable motive for Villeneuve's ill-fated sortie from the security of Cadiz than a fit of pique on hearing of his super-session by Rosily. He was not the man to sacrifice his fleet to clear himself of the charge of personal cowardice. Not the least service which Mr. Corbett has rendered in his admirable study of this critical campaign is that he has shown that Villeneuve came out of Cadiz because he could not lie idle there while the British assumed the offensive in the Mediterranean. The lever which forced him out of his secure retreat into a fatal activity was the little expedition under Sir James Craig which had reached Malta in July, after a most perilous voyage, and was about to co-operate in Southern Italy with a Russian force. It was to save Naples from Craig that Villeneuve risked at Trafalgar the defeat he had only postponed by turning southward on 13 August and abandoning the hopeless task of releasing Ganteaume. Thus but for Craig's little-known expedition the British navy would have been saddled with the task of maintaining over Cadiz a watch fully as arduous and exhausting as Cornwallis's unremitting blockade of Brest.

But important as this was, it hardly warrants a description of the whole campaign as 'essentially offensive and not merely a campaign of defence against invasion' (p. viii). Sicily was an important link in the chain of the Third Coalition's operations, but its importance must not be exaggerated. Mr. Corbett attempts to explain away Napoleon's contemptuous description of such expeditions as Craig's as 'plans of pygmies': the attempt is as unconvincing as it is ingenious (pp. 135-6). Supremacy at sea can multiply the opportunities for the effective military action of small forces, but even under the most favourable circumstances for the use of 'amphibious' power the possibilities of expeditions of a few thousand men are very limited. Their numerical weakness leaves them at best but mere diversions. After all, what did the Anglo-Russian expedition to Naples actually accomplish? Certainly Napoleon was far from regarding the Mediterranean as the critical spot while there was a chance of invading England. He wrote on 6 June, 'être maître de la Méditerranée n'est rien. Je désirerais deux vaisseaux à Villeneuve plutôt que quarante dans la Méditerranée.'¹ Again, it is an extreme exaggeration to say (p. 424) of the occupation of the Cape and Sicily that 'together they rendered the British Empire impregnable'. This attributes to mere positions an altogether unreal value: it was the fleets and armies that were our real security. The solid result of the campaign of 1805 was not Craig's occupation of Sicily or Baird's capture of the Cape, but that it showed how poor were the chances of a direct attack on the British Isles unless the French could obtain a real superiority at sea, which, after Trafalgar, was most unlikely. Moreover, by destroying the largest fleet at Napoleon's disposal, Trafalgar drove him back on that double-edged expedient for injuring England, the Continental System. But if Mr. Corbett somewhat exaggerates the Mediterranean aspect, and consequently a little under-estimates the danger of invasion, this is the price one must pay for those very qualities of

¹ Cf. Desbrière, *Projets et Tentatives de Débarquement aux Iles Britanniques*, iv. 602.

insight and ingenuity which make his volumes so vivid and suggestive. It is perhaps natural, in view of all the new light he throws on hitherto obscure corners of the campaign, that he should press his new points a little to the detriment of the balance between the new and the old. His researches have enabled him to clear up a great deal, to dispose of many unwarrantable charges and unsound theories, and even those who cannot follow him everywhere owe him a great debt for a most valuable book.

It is, of course, important that Pitt's efforts to rouse Europe against Napoleon should be narrated in relation to the repulse of Napoleon's attempt on England. It is even more important that the work of the men who were really responsible for the whole scheme of defence should be made known: Barham's name had already been rescued by Sir John Laughton and Admiral Mahan from an undeserved oblivion, but Mr. Corbett has done much to assign to him his due share of credit. Cornwallis also has his great merits acknowledged, and if Nelson's part in the work is shown to have been certainly no greater than that of Barham and Cornwallis, he too receives his rightful due.

Nelson has often been criticized for paying too much attention to the protection of Sicily, Naples, and the Levant when Villeneuve escaped from Toulon; it has been argued that more ought to have been done to locate and engage Villeneuve. But clearly Sicily was the key to Pitt's schemes for offensive action in co-operation with Russia, and to cover Sicily at all costs was Nelson's first task. Some risks had to be run, and for the moment the risk of losing Sicily was more serious than that of letting Villeneuve loose in the Atlantic. Napoleon, whatever other schemes he may have entertained during the winter, had clearly made up his mind to the invasion from March 1805 on; but in March the time to strike had not yet come, nor that for Villeneuve to make for Brest or Boulogne. For the flotilla's operations calm weather was needed, just as bad weather offered more opportunities for the escape of blockaded fleets. The operations in the West Indies filled in the interval between March and June, and offered opportunities of damaging England's commerce and colonies and decoying away her fleets from home waters. This last object was to a slight degree achieved: the five ships of the line sent with Cochrane to Jamaica were clean out of the way to be of any real service, just as Nelson, in returning to Gibraltar instead of to Brest or Ferrol,² was steering away from the critical spot. It is curious that Mr. Corbett should not have made more of this, for he brings out very well the importance of the established tradition of concentrating on the 'Western Squadron'. It is by reference to this practice that he justifies (p. 64) the much criticized Orde, who in falling back towards the Channel merely anticipated the instructions of the Admiralty (p. 84).

Villeneuve having made for the West Indies and Nelson having followed him, though only after much hesitation and when he could get no news of him from any other quarter (p. 98), all turned on Ganteaume's succeeding in escaping. But the vigilance of Cornwallis prevented that—Mr. Corbett might have discussed the differences between the systems of blockading adopted off Brest and by Nelson—and then the crucial point became the

² Cf. Desbrière, iv. 691.

possibility of Villeneuve being able to raise the blockade of Brest. Mr. Corbett shows how the problem was by no means the same as in the analogous case of the relief of a fortress on land (p. 133), where normally the garrison can assist the relievers. With sailing ships one could not reckon on this, which must be borne in mind when one is asked to condemn Cornwallis for dividing his fleet on 16 August and sending Calder back to Ferrol to resume the blockade. Stirring pictures have been drawn of Villeneuve cleverly evading Calder and falling upon the eighteen vessels under Cornwallis with his thirty-five, of the whole Brest fleet issuing simultaneously from its port to complete the destruction of the outnumbered squadron before sweeping on to the waiting army at Boulogne. Mr. Corbett has little difficulty in disposing of these fanciful visions. With the very large number of British cruisers all about the Bay—Ferrol was never left unwatched²—the chances of Villeneuve successfully playing hide and seek with Calder were infinitesimal. Moreover, even if he had been so improbably lucky as to evade Calder, what could his miscellaneous armada have achieved against Cornwallis? Numbers are of little avail when they are the sole resource of inefficiency. And even if Villeneuve had won, by the time Cornwallis had been properly beaten Ganteaume would not have found his rescuers in a condition to do much more, while there were reserves behind Cornwallis (p. 254); and to have ventured up Channel to Boulogne with the prospect of Calder reappearing at any moment would hardly have been enticing. Indeed, not only was the division of the fleet well 'within fair risk of war' (p. 252), it was a most masterly stroke. The great concentration at the mouth of the Channel was decisive against Napoleon's scheme of invasion, but with the British remaining concentrated Villeneuve was left free to move where he would—except to Brest or Boulogne (p. 246). This could not be tolerated; it was imperative to reduce him to Ganteaume's condition of impotent immobility, and this could only be secured by detaching half the fleet to tackle him, to blockade him in Ferrol, or, if he had gone south, to follow hard upon him. Cornwallis was no clumsy blunderer, throwing away a certain success; criticism of his action has to face the fact that what he did merely anticipated Barham's orders of 19 August. In the same way the risk which Cornwallis ran in 'opening Brest' from 12 to 24 July, when he was cruising to the westward to intercept Villeneuve, was but slight (p. 189). Ganteaume believed the blockaders' disappearance a trap to lure him out.

On Calder's action Mr. Corbett is most illuminating. Perhaps Calder might have done more. Tactically he had shown some skill and resource, and the tactical relation of his action to the tactics of Trafalgar (pp. 198, 347-9) is worth study. It is hard on him that he should have fought the action under one standard and been tried for it under another, the 'ideal of hot-pressed action' set up by Trafalgar (p. 207). In not renewing the action on the 23rd or 24th he was probably unduly influenced by the thought of what the Ferrol ships might be doing—which after all was not his affair, for Barham had made provision for it—and on this account Mr. Corbett upholds the verdict of the court-martial (p. 206). But

² See Villeneuve's letter of 10 August (Desbrière, iv. 778): 'Les ennemis nous observent de trop près pour pouvoir espérer de leur déguiser ma marche.'

the great gain was that the battle had taken the heart out of Villeneuve, had shown him how poor his chances were in a close-fought struggle. This comes out clearly in his letter of 6 August to Decrès (p. 220), and in everything he wrote after 22 July there is the note of despondency. This is most important in connexion with Napoleon's decision to move the Grand Army eastward. Mr. Corbett argues (p. 278) that this was taken quite independently of Villeneuve's actions, and that the troops were placed under orders for the Rhine while Villeneuve's arrival was still possible. This hardly seems proved. Whatever Napoleon's shortcomings as a naval strategist, he was no mean judge of men, and he had taken the measure of Villeneuve. His letter of 13 August⁴ speaks most disparagingly of the admiral, and Villeneuve's letters of 28 and 30 July and of 3 August show that he was contemplating a move to Cadiz; the instructions of 16 July had spoken of it as a possible alternative. No doubt, the decision to move to the Rhine was taken on very little solid evidence,⁵ so much so that it amounts to a marvellous intuition on the part of the emperor, but from Napoleon one expects just such intuitive flashes. After all, by 22 August, if Decrès was convinced that Villeneuve was gone to Cadiz (p. 275), Napoleon may well have realized the extreme improbability of seeing Villeneuve off Boulogne. He did not wait for definite confirmation of what amounted to all but certainty, but feeling sure that his fleet had failed him turned from the invasion to the alternative he had for some time past been contemplating, a blow at Austria. Napoleon stood to gain so infinitely more by a success over England that one cannot believe he would have deliberately laid aside the scheme while any probability of success remained.

One novel and important feature is Mr. Corbett's treatment of the cruiser work. He has given us a real idea of the way in which the work of collecting and forwarding information was performed; of the intelligence on which the British admirals had to work. This is an enormous advance on previous accounts of frigate-actions. James, for example, classed them together as 'minor actions' and treated them from a narrowly tactical point of view, quite overlooking the great strategic importance of such an action as that between the *Phoenix* and the *Didon* (p. 225). The capture of the *Didon* was the real cause for Allemand being left isolated to wander from one hair-breadth escape to another, entirely lost to the main operations. On the tactics of Trafalgar Mr. Corbett argues that in major tactics Nelson's attack did conform to the principles laid down in his famous Memorandum, but not in minor tactics. There is a great deal in this, but at the same time one is a little at a loss to understand the strength of Mr. Corbett's language on p. 372 about theories based on the evidence of the logs and journals. It is quite possible without straining or manipulating this evidence to show that it seems that several vessels in the lee line came into action with ships astern of the *Santa Anna* before they reached the enemy's line, and to argue from it that the lee line at any rate did not make an absolutely perpendicular approach. To talk about 'fragile web-spinning' seems a rather double-edged weapon: does the 'categorical positive' of the signals amount to very much more?

C. T. ATKINSON.

⁴ Desbrière, iv. 751.

⁵ Cf. Desbrière, *Trafalgar*, p. 112.

Carteggio del Conte Federico Confalonieri. Per cura di GIUSEPPE GALLAVRESI. (Milan : Società per la Storia del Risorgimento Italiano, 1910.)

ALTHOUGH Confalonieri was the protagonist of the opening scenes of the drama of the Risorgimento, he was not fated to attain the world-wide renown which his fellow sufferer, Silvio Pellico, was destined to win for himself by his eloquent description of their common martyrdom. None the less his memory is held in the highest veneration by his fellow countrymen at the present day, and justly so, for his was the master-mind which gave the first impulse to the movement of intelligent Italian liberalism against the brutal and unreasoning despotism of the Austrian government.

The year 1820 had witnessed the failure of Metternich's policy in dealing with the Lombards and the Venetians. His endeavours to force them to forget that they were Italians had only been instrumental in rousing the peculiar and invincible Italian dislike of the foreigner, and had resulted in convincing the Lombard patriots of the futility of confining their efforts to a passive resistance against the remodelling of their institutions after the German pattern. They began to realize that it was necessary to give open expression to their determination that the sentiment of nationalism should not be allowed to die out. The movement found its inception amongst the intellectual classes under the leadership of Confalonieri. An unsuccessful agitation was commenced for the establishment of popular schools, and a newspaper, *Il Conciliatore*, was founded with the object of diffusing liberal ideas among the masses. So far there was nothing in the nature of a conspiracy against the Austrian government, and Confalonieri and his associates held aloof from the revolutionary campaign which was being conducted throughout Italy under the auspices of the Carbonari lodges. But liberal propaganda of any kind was fully as obnoxious to the Austrian mind as overt treason, and the Lombard nationalists found themselves the victims of police persecution in its most virulent form. The *Conciliatore* was suppressed, and Confalonieri saw one after another of his associates fall into the hands of the Austrian police, or driven to seek safety in flight. The original plan of a peaceful educational campaign had perforce to be abandoned, and Confalonieri reluctantly decided to make common cause with the Piedmontese revolutionaries. Even so he shrank from premature acts of rebellion, which he foresaw could only end in disaster ; and it was on this ground that he opposed the attempts to force Sardinia into war with Austria. His immediate aim was the union of Piedmont and Lombardy in an independent kingdom under the sovereignty of the house of Savoy, but that he looked upon this merely as a step in the unification of all the Italian states is clear from the letters reprinted in the volume under review. He writes, for instance, to his wife on 13 May 1814 (p. 119) : ' My maxim is this, let the Italians remain united . . . may they forget their fatal and mistaken local patriotism and confine their efforts to the encouragement of national patriotism.'

It was unfortunate that a severe illness compelled him to abandon the leadership of the movement to a band of inexperienced youths, who proved

incapable of eluding the Austrian spies, and enabled the government to acquire complete knowledge of every detail of the conspiracy. Confalonieri received repeated warnings from friends in the Austrian service, but he disdained to seek safety in flight, and was arrested at his home in Milan in December 1821. His subsequent fate was a terrible illustration of the barbarity of Austrian methods. He was sentenced to death, but reprieved through the unremitting efforts of his wife and her family, and sent to the Spielberg to endure in that living tomb for thirteen years the horrors with which Silvio Pellico has made us familiar. His sufferings were, however, not in vain, for the indignation aroused by the tortures inflicted on him and his fellow prisoners probably did more to bring about the union of Italy than any of the battles of the War of Independence. In his correspondence Confalonieri is revealed to us as a cultivated patriot of the best type, and as the possessor of no mean degree of the gift of statesmanship. A less pleasant side to his character appears from time to time in some of his more intimate letters, and no injustice is done in describing him as harsh, arrogant, and indifferent to the susceptibilities of other people. Most of his letters written previously to his imprisonment are missing, which is hardly to be wondered at, seeing that in those troublous times to have preserved them would have exposed the recipients to the gravest peril. Signor Gallavresi has been at infinite pains to collect all available material, and the volume which he has compiled is a most valuable contribution to our knowledge of a somewhat obscure incident in the history of the Risorgimento. The footnotes are unusually elaborate, and the editor has throughout done his work with a thoroughness and care which leave nothing to be desired.

H. C. GUTTERIDGE.

The Rise of Louis Napoleon. By F. A. SIMPSON. (London: John Murray, 1909.)

MR. SIMPSON has produced a brilliant and interesting biography of Louis Napoleon down to the date of his election as president of the Second French Republic. He devotes much more space than M. Thirria¹ to the early career of the future emperor, and has had access to most important documents at the Foreign Office, which have enabled him to confirm what was previously mere conjecture and to controvert what had hitherto been accepted as the truth. Fairer than Kinglake, he is not an apologist like Jerrold, while his style is always lively and at times almost Tacitean. It will be most useful to students to indicate the principal facts which Mr. Simpson has unearthed from the Foreign Office archives. He republishes (p. 54 n.) a curious plan of Charles X in 1829 (already printed in at least one history of the Eastern question) for the reconstruction of Europe, naturally at the expense of Turkey. Russia was to have Moldavia, Wallachia, and a large slice of Asia; Austria was to annex Bosnia, the Herzegovina, Turkish Dalmatia, and Serbia; the king of the Netherlands would rule over a Greek kingdom, composed of the rest of European Turkey. A dispatch from Granville to Palmerston (p. 125) proves the

¹ *Ante*, xi. 391-5.

truth of Louis Napoleon's contention that in 1836 he never gave his word of honour to remain in America. Two letters from Morier to the same minister (p. 153 n.) show that the French really meant to invade Switzerland in 1838 unless Louis Napoleon were expelled thence, and that the bold defiance of the Swiss was due to the knowledge that at the last moment their dangerous guest would relieve them of his presence. Finally, on the eve of the presidential election, a confidential note of Normanby to Palmerston informed the foreign secretary that Cavaignac had himself admitted (p. 316) that there was practically no republican party in France. Under these circumstances the folly of allowing the president to be elected by the people, instead of by the assembly, becomes all the more apparent, and Lamartine's utter lack of statesmanship all the more glaring. Only in Latin countries could a poet ever persuade a parliament, or emerge, as in Portugal, the hero of a revolution.

One of the most romantic parts of the volume is that which describes Louis Napoleon's participation in the Italian revolt of 1831. Mr. Simpson considers the oft-repeated assertion that the future ally of Victor Emmanuel II was a Carbonaro 'not proven'; but Terni and Civit  Castellana saw him fighting against the papacy, which he was afterwards to support, by the side of the man whose son afterwards tried to assassinate him for his betrayal of the Italian cause. Nowadays his services to Italy are little appreciated in that country; *Mentana*, as Guerzoni said, *ha ucciso Magenta*. Another episode, the imprisonment at Ham, is narrated with a vivacity which comes from the local knowledge of the narrator, who disproves the theory that the French Government connived at the prisoner's escape. Of Louis Napoleon's literary productions during that period he has formed a moderate estimate; the most interesting of them is that 'fragment' in which the captive of Ham refuted Guizot's elaborate parallel between England in 1688 and France in 1830, a parallel destined to break down, if for no other reason than that the house of Orange had no Cromwellian spectre to fear, whereas the house of Orleans had to reckon with the Napoleonic legend. Of these writings and of all the principal works that have appeared on the first forty years of Louis Napoleon's life there is a copious bibliography, while the illustrations include a facsimile of his proclamation at the time of the Boulogne attempt, and two of his curious alliances with the duke of Brunswick.

WILLIAM MILLER.

The American Civil War: a Concise History of its Causes, Progress and Results. By JOHN FORMBY. (London: John Murray, 1910.)

AFTER a careful study of the American Civil War 'during a period of ten years or more', Mr. Formby has come to the conclusion that there is 'room for a condensed history of the war rather than of the fighting, with the chapters arranged in parallel columns as it were and furnished with cross-references and careful summaries of the general position at each stage'. He writes, therefore, for the general reader, not for the military student, and endeavours to remove all obstacles out of the former's path. The device of printing confederate names in italics is helpful, and the chronological summaries should serve to prevent the reader from losing

his way amid the maze of campaigns. To bring out 'the interdependence of these campaigns and of the effects of contemporary military and political occurrences' has been part of the author's purpose, as well as to 'set forth the real causes of the war and a summary of its results, and to give sufficient attention to the distracting effect of the operations of Napoleon III in Mexico'. The Mexican adventure of the French emperor is treated at some length, though the connexion between it and Banks's Red River expedition is not brought out. The first three chapters deal with the causes of the war. Slavery is regarded as a pretext rather than a cause. The real cause is pronounced to be the sectional rivalry between the northern manufacturers and traders and the southern planters. 'Slavery came into the quarrel merely as the supposed backbone of the planter party, which the other side attacked for that reason.' The right of secession is looked at mainly from the confederate point of view. Seven direct preparations for secession are quoted, 'none of which were called treasonable at the time,' but the fact is ignored that in no case was the claim recognized by congress.

In spite of the author's avowed purpose the narrative is in the main confined to military operations, and the purely political side of the war is somewhat neglected. The name of Chase only appears once in these pages, and the financial methods of the two governments are barely mentioned. The constant interference of Stanton, the secretary of war, with the federal generals in the field is noted, but the author hardly seems to realize that it was owing to Stanton that for four critical months (March to July) in 1862 there was no general-in-chief of the federal armies, and that during that period the best chance of bringing the war to an early conclusion was lost. Mr. Formby continually confuses the title of general-in-chief, which was purely military, with that of commander-in-chief, which constitutionally belonged to the president alone. The following explanation of Lincoln's motives in issuing the proclamation of emancipation is one-sided and in one point inaccurate :

A deeply religious man, who viewed slavery from the moral standpoint, he became convinced that these continual defeats were the judgment of God on the nation which would not abolish it and vowed to Heaven that he would do so, if a victory were vouchsafed to the Union arms.

The proclamation was not merely a matter of conscience with the president, but a military necessity, and only as such warranted by the constitution. Nor was it Lincoln's original intention to postpone its issue till after a federal victory ; it was Seward who suggested that course, for fear lest the depression of the public mind should regard it as the last measure, a cry for help.

Mr. Formby's military judgements are on many points not in accord with views generally held. He considers the battle of Stone's River, rather than Gettysburg or Vicksburg, as the military turning-point of the war. This view seems based upon a somewhat artificial distinction between the military and political sides of war. The Thucydidean method of narrating the events of the war by summers and winters, which Mr. Formby has imposed upon himself, is peculiarly inappropriate to the treatment of this campaign. The battle commenced on 31 December 1862 and termi-

nated with Bragg's retreat on 3 January. The author writes, 'On the 3rd Bragg attacked again, but his men were driven back into their works, which were taken.' This statement is misleading. Bragg did not attack on the 3rd. His pickets kept up a heavy and constant fire all day, and towards its close four federal regiments advanced against the enemy's skirmishers on one part of the field and drove them from their entrenched picket-line. Again, the summary of 'the second half of 1862' describes Rosecrans as 'driven back and beaten to his knees but still unconquered'. But in the next chapter we are told that it was Bragg who after all suffered defeat. Mr. Formby accuses Lee of provincialism. In proof he cites his appointment of the Virginian, A. P. Hill, to the command of an army corps over the heads of two senior officers. The injustice of this accusation has been long ago exposed. One of the senior officers was no longer serving under Lee, but was in his native state of North Carolina, where his services could not be dispensed with; and if Mr. Formby was aware that Longstreet was a Georgian, he ought in fairness to have stated the fact.

Of General Pope's military ability the author has formed a strangely favourable estimate. He admits that in the second Manassas campaign Pope 'lost his head and made a fool of himself', and yet on the same page asserts that he was 'the only man who could stand against Lee and Jackson in manœuvre or battle'. It was not Pope's good manœuvring, but the sudden rise of the Rappahannock, coupled with the information brought by Stuart of the approach of large federal reinforcements, which drove Lee to divide his army under the eyes of the enemy. Probably Mr. Formby has based his favourable opinion of Pope's ability upon an unduly low estimate of his strength. He speaks of his army as only 35,000 strong when it fell back behind the Rappahannock, whereas it was certainly 45,000 strong exclusive of cavalry. He puts its strength at the end of the month at 55,000, but Mr. Ropes, more favourable than most historians to Pope, estimates it at 70,000. A still graver miscalculation is made in the account of the battle of Chattanooga, where Bragg's force is given by the author as 71,500, more than twice its real strength. He seems to have arrived at this figure by ignoring the very heavy losses at Chickamauga and omitting to deduct the large force detached under Longstreet against Knoxville.

The account of the Chancellorsville campaign repeats the long-exploded legends of General Pleasanton's invention. Stoneman's raid might well have been treated at greater length, and the statement that he 'was getting into touch with the enemy when he was recalled' conveys a totally wrong impression. To speak of Averell as outmanœuvring anybody is to pay him a compliment to which he has no claim. The account of Lee's and Meade's operations in the autumn of 1863 contains some serious omissions. No mention is made of A. P. Hill's reverse at Bristol station on 14 October. The reference to the federal capture of Rappahannock station on 7 November is so slight as to be misleading, and at Mine Run Lee was intending to attack Meade's left on 2 December, but the federals retreated the previous night. In describing the fighting which took place at Petersburg in June 1864 Mr. Formby makes several mistakes

of fact. Smith was not sent back to Butler on the 10th but on the 14th. It was Gillmore, not Smith, who attacked on the 9th and not the 10th. Not Smith, but Hancock, was in command of the federal forces on the evening of the 15th. On that evening one division of Lee's army reached Petersburg, and two more followed the next day. So far from the federals surrounding Petersburg, Grant's lines in June did not reach more than a mile and a half beyond the Jerusalem plank road. The confederate iron-clads made no attempt to molest Grant's passage of the James, because the federals had obstructed the river above the point of crossing.

Various minor errors are to be found in these pages. Johnston did not leave Magruder behind in the Valley when he slipped away from Patterson (p. 83); nor was he wounded at Seven Pines on 1 June (p. 120), but on 31 May. The *Monitor* was not lost on her way home (p. 177), but off Cape Hatteras on her voyage south. The *Nashville* was not destroyed in March (p. 229), but on 28 February. On the same page 3 January should be 31 January. McDowell was not a major-general at Bull Run (p. 86). On page 87 the lower Shenandoah should be the lower Kanawha. The engagement between Garfield and Marshall was not fought on 7 January (p. 125), but on 10 January. The battle of Mill Springs was fought on 19 January, not the 18th (p. 126). The engagement between Kirby Smith and Nelson was fought on 30 August. The date given in the text (p. 168) is that of a skirmish only. The battle of Ezra Church was fought on 28 July, not the 29th (p. 345). Van Dorn was killed in a duel (p. 240). The vice-president was not a member of the cabinet (pp. 20, 70). New Mexico and California were not purchased from Spain (p. 9), but from Mexico. The statements that 'Richmond was at the mercy of the seapower of the north' (p. 65) and that the south 'first formed a general staff, then raised their army' (p. 67) need considerable qualification. The entire absence of references, especially when the writer seems to have handled his authorities with so much inaccuracy, is a grave drawback. But the sixty-five maps, which form a separate volume, are a welcome feature in the book.

W. B. WOOD.

The High Court of Parliament and its Supremacy. By CHARLES HOWARD McILWAIN. (New Haven: Yale University Press, 1910.)

THIS 'historical essay on the boundaries between legislation and adjudication in England' is a really important and admirable contribution to the study of constitutional history and law. The doctrine of parliamentary sovereignty or 'omnipotence' has become a familiar commonplace in English political theory. The present writer examines it historically, and establishes three propositions: (a) that the doctrine dates from 1642 at the earliest, being entirely contrary to men's previous conception of the functions of parliament; (b) that it is peculiar to modern England; (c) that its results have not been and are not now invariably good. Professor McIlwain substantiates the first of the above propositions by means of abundant learning. His case is that early parliamentary legislation was in fact little more than a process of awards made by a high court (*curia* or *concilium*) to assist judges, themselves members of the same undefined

court, in the application of legal principles. The work of parliament was not to make law, but to ascertain it and to set it forth in the form of instructions (assizes) to inferior courts. Such courts were competent to go behind the language of statutes, the common law representing a greater perfection of principle than could be looked for in any human effort to formulate it in express terms. It is well known that *malum in se* was deemed more heinous than *malum prohibitum*. Common law derived its virtue not so much from a supposed law of nature, as from the collective wisdom of the ages. Copious illustrations, drawn from writers like Sir Thomas Smith, Hooker, Raleigh, Prynne, and Coke, are adduced to prove the longevity of the view that parliament was essentially a judicial court, not a law-making body. The idea of fundamental laws, 'all good laws and good customs,' 'fundamental, perpetual, unalterable,' was deeply impressed on the English mind, and was in no degree an innovation on Cromwell's part in 1654. In this connexion, Professor McIlwain traverses Professor Dicey's deductions from Coke (pp. 139-49). The main drift of the argument is thus juristic, but the author has incorporated the fruits of all recent research by scientific historians, accepts Professor Adams's view of Magna Charta and Professor Dicey's account of *droit administratif* under the Tudors, treats Freeman's history very cavalierly, and throws over the old legend that the Barons' War was a fight for freedom, not a mere struggle for feudal immunities. He gives a particularly convincing picture of the Tudors' system of government, under which a national English commonwealth for the first time superseded 'a political society of ranks and classes' (p. 56). Some of his incidental observations are clear-cut and luminous after the manner of Maitland.

Professor McIlwain's second plea is a corollary to his first. If, as he suggests, medieval English laws were in the nature of judgements, only binding where in harmony with fundamental customs, it follows that the functions of the judicature in the United States are historically less 'peculiar' than the subordinate position of the judicature in England. James Otis's argument against writs of assistance that 'an act against the constitution is void', though untenable here in 1765 and to-day, would have seemed indisputable to Coke or Selden.

The third proposition rests principally on the fatal influence of the modern legal theory of parliamentary sovereignty on colonial relations after 1763. In law the American colonies were correctly regarded to the last as no more free from the sovereignty of the unimaginative oligarchy at Westminster than 'three acres of ground in the Manor of Dale' (p. 361). The author shows that this strictly legal theory is unaltered to-day, and he has little respect for the inelastic statesmanship, under which 'forbearance to exercise legally existing powers is now the only cement that holds the empire together' (p. 367).

GERALD B. HERTZ

Short Notices

M. CHAMPION has published two sets of rules for cataloguing manuscripts and early-printed books drawn up by the late M. Léopold Delisle (*Instructions pour la Rédaction d'un Catalogue de Manuscrits et pour la Rédaction d'un Inventaire des Incunables conservés dans les Bibliothèques publiques de France*). The former part makes its appearance virtually for the first time, having been previously printed in 1902 in an issue of but ten copies; the latter part was published in 1881, though the date is not given in the reprint, which itself bears no date of publication. Apart from the straightforward clearness, the judgement, and the absence of pedantry which make these instructions valuable to librarians, the large collection of specimen-descriptions of manuscripts and *incunabula* give the little book an interest which will be appreciated in a wider sphere. E.

M. Bouché-Leclercq has given us, in his *Leçons d'Histoire Romaine : République et Empire* (Paris : Hachette, 1909), which forms a companion volume to his *Leçons d'Histoire Grecque*, a selection from public lectures delivered at the commencement of the sessions of the Sorbonne, from 1880 to 1899. Clear and felicitous in expression, they are popular in substance, and do not call for detailed criticism. The idea that the empire represents the 'revenge of the conquered peoples' is neatly worked out in the later lectures. We do not quite understand what is meant by saying that Caius Gracchus passed a law 'placing under popular control the collection of the taxes in the province of Asia' (p. 110), and the statement that Julius Caesar obtained the privilege of transmitting the office of *pontifex maximus* to his posterity is curious (p. 198). H. S. J.

M. Charles Dubois's book on *Pouzzoles antique, Histoire et Topographie* (Paris : Fontemoing, 1907), which should have been noticed earlier, is an erudite and exhaustive study of the history and remains of the ancient Puteoli. It is not the first monograph of the kind which we owe to the industry of French scholars, whose methods are growing more like those of their German *Fachgenossen* than was once the case. There are many thorny problems to be handled, which concern the most varied branches of archaeological and historical study; and M. Dubois shrinks from none of them, and even pursues by-paths which might have been left untrodden in order to meet every possible criticism. For instance, in discussing the ancient painting copied by Bellori, the subject of which is most probably the harbour of Puteoli, he is obliged to criticize Huelsen's view that the bank of the Tiber below the Aventine is represented. If this were so, the buildings, &c., would be shown in the reverse of the natural order; and M. Dubois therefore examines minutely the supposed parallel cases of such a method of drawing in order to prove that no reliance can be placed on them. He gives a full account of the settlements of foreign

traders at Puteoli, and shows that the *statio* of the Tyrians, the nature of which has been much disputed, was a group of warehouses, shops, &c., like the *fondachi* established by the Italian trading cities in the Levant in the middle ages. In dealing with the well-known *crux* in Tacitus (*Ann.*, xiv. 27), who states that the *vetus oppidum* of Puteoli received the *ius coloniae* from Nero, he adopts the view that two communities coexisted at Puteoli until the time of that emperor, but feels it necessary to discuss at length Mommsen's theory (now generally discarded) about the sources of Pliny's description of Italy, in order to meet the objection that Puteoli might have ceased to be a *colonia* by the time of Augustus. This discussion is rendered somewhat otiose by the fact that (as he points out) the *Genius Coloniae* is mentioned in an inscription of A.D. 56, seven years earlier than the charter granted by Nero. The chapter on the extant remains of antiquity, especially the Macellum (the so-called 'Temple of Serapis') and Amphitheatre, are valuable; there are appendices on the villas, baths, &c., in the neighbourhood, and a list of all works of art and minor objects recorded as having been discovered on the site, the compilation of which must have cost the author many hours of somewhat thankless toil. M. Dubois rejects the hypothesis that Puteoli is the scene of the Feast of Trimalchio in Petronius' novel, and argues in favour of Naples; but Neapolis could not have been described as *haec colonia*, which it never was. He is accurate in detail, but speaks of the Septizonium at Rome as built in the *first* century after Christ (p. 163). H. S. J.

The Early Christians in Rome, by the Very Rev. H. D. M. Spence-Jones, Dean of Gloucester (London: Methuen, 1910) is scarcely to be regarded as a critical and historical investigation of the subject of which it treats, but rather as a collection of material to serve as a popular introduction to some phases of early Christian life. Not much fresh light is thrown on the early relations of Christian to pagan society—indeed the author has little to say about the later paganism—nor yet on the grounds and the extent of the persecutions. The author accepts the view of their extreme severity. A large portion of the book deals with the catacombs, the topography of which is described in some detail, with photographic illustrations. The concluding chapters give an account of the Talmud and other Rabbinic writings, which seems to be only loosely connected with the main subject. The whole work, both in style and in selection of matter, shows a certain want of cohesion, though there can be no doubt that it has been written with a view to attract readers into fields which the author has himself found pleasant and profitable. A. G.

We give a hearty welcome to Professor Bury's Creighton memorial lecture on *The Constitution of the Later Roman Empire* (Cambridge: University Press, 1910), which, though brief, is, as might be expected, suggestive. Professor Bury points out, for instance, that the reason why the title of *Basileus* was never *officially* assumed by the emperors until A.D. 629 was that in that year the Persian king, who was their only serious rival bearing that title, was reduced to dependency. He observes that the constitutional theory of the Empire was never formulated or reduced to

theory at Byzantium, but that a conception of divine right gradually sprang up which took the place of legal definitions; also that the government was a 'limited autocracy', and that its limitations were partly the effect and partly the cause of Byzantine conservatism. H. S. J.

In the *Annales de Bretagne*, tome xxv, nos. 2 and 3 (1910), M. Ferdinand Lot adds to his *Mélanges d'Histoire Bretonne* a new edition of *Gildas Vita et Translatio*. Reversing the method which Mommsen adopted when he edited this text for the *Monumenta Germaniae*, he has made the basis of his text, not the edition of Mabillon, which Mommsen followed, but the *editio princeps*, published at Lyons in 1605 by Jean du Bois. He points out that it is impossible to accept the argument of Mr. Hugh Williams, who in 1901 reproduced Mommsen's edition in the Cymmrodorion Record Series, that this life of Gildas dates from the ninth century, by reason of certain resemblances between it and the *Vita Pauli Aureliani*. These similarities are much more easily explained by assuming that the author of the life of Gildas has used the *Vita Pauli* as one of his sources. T. F. T.

In *Die Erhebung Berengars I von Friaul zum König in Italien* (Strassburg: C. F. Schmidt, 1910) Dr. Paul Hirsch has given an exhaustive account of the ancestry and earlier biography of Berengar. The book is remarkable for its sober judgement and its careful correlation of the sources, as well as for the acquaintance displayed with the modern literature in any way touching its subject, an acquaintance which makes the footnotes a useful bibliography for the student. The period of the break-up of the Carolingian empire derives much of its interest from the fact that the three leading nations of Western Europe attained their first expression during it. We pass from the partition of Verdun in 843, dictated by the convenience of the Carolingian House, to the decisive separate elections of kings in 888 *de visceribus suis* by East and West Franks, Burgundians, and Italians. It was then that the kingdoms parcelled out hitherto by Carolingian family arrangements began to have an existence of their own, independent of their dynasties. Dr. Hirsch cautiously analyses the elements, aristocratic, particularist, historical, and linguistic, which were to lead later to national consciousness in the new-formed states, and points out that in North Italy, owing to its special history and separate position in the empire, this stage had already been reached by 888. Berengar's panegyrist contrasts the *dignum solum* of Italy with *fera Gallia* and *trux Germania*. Perhaps, however, the author might have emphasized more than he does the retardation of the growth of national feeling, at least on the political side, which was caused by the large immigration of Transalpine officials and benefice-holders during the years 772-900. There was a cosmopolitan character marking the greater nobles of much of the *Regnum Italicum* which took long to disappear. An instance is furnished by Berengar I's own family, the Unrochings. Originally, to all appearance, a Salian Frank, but also possessed of domains in Swabia, his father Eberhard was appointed to rule Friuli, and soon married Gisela, daughter of Lewis the Pious. Another relative had governed Septimania. Thus Berengar I, though settled in Italy, was no stranger to other parts of the empire, and

was a kinsman of the Carolingians. Dr. Hirsch discusses somewhat briefly the nature and extent of his power in the March of Friuli, accepting in the main Dr. Hofmeister's conclusions, and elucidates his policy from the scantiest material. With the biography of a provincial noble as a centre, it would have been undesirable to dilate overmuch on matters of general Italian history where Berengar does not play a discernible part. In consequence we hear mostly of the intrigues and campaigns which took place among the rivals for the crown, and Dr. Hirsch only alludes to the events among which they occurred. It is interesting to observe how the notion of a non-Carolingian king of Italy comes to light in John VIII's letters in 878, before it was carried out by Berengar's election in 888. In fact the true centre of Italian history in these years was the pope.

C. W. P. O.

In his *Geschichte der normannisch-sicilischen Flotte unter der Regierung Rogers I und Rogers II* (Breslau: Marcus, 1910) Dr. Willy Cohn begins with a useful history of naval operations. He distinguishes three periods: the first from 1060 to 1072, when the rudimentary fleets of Roger I and Robert Guiscard were acting in close concert; the second from 1072 to 1084, when there are two fleets engaged in separate enterprises; the third from 1084 to the end of the period, when it is only a question of the doings of the Sicilian fleet. As a whole the naval annals of the period are scanty; our comparatively full accounts of the siege of Bari and of Robert Guiscard's Greek expedition of 1081 are fortunate exceptions to the general rule. Consequently, though Dr. Cohn is able to emphasize the importance of sea-power to the Sicilian state, he is unable to indicate the precise causes to which the two Rogers owed their naval supremacy. He has carefully collected the data about organization, finance, and ship-building; but of naval tactics he is not in a position to give an account. It is clear that the Normans relied mainly on dromonds and galleys, rowed with oars; also that the dromond (a bireme) was rapidly superseded by the more manageable galley. But the Normans of Sicily were able to build sailing-ships (*naves*) of considerable size, which took part in some important expeditions; and of these we should be glad to know more. Further, while the authorities lead us to suppose that a naval battle was mainly an affair of grappling and boarding, deck-towers and projectiles were sometimes decisive factors; and it is also probable that, as in classical times, there might be a good deal of manœuvring before the opposing ships came to close quarters. Dr. Cohn has done his best with the material at his disposal; but his book necessarily raises more problems than it solves.

H. W. C. D.

Dr. Alfred Püschel's thesis, *Das Anwachsen der deutschen Städte in der Zeit der mittelalterlichen Kolonialbewegung* (Berlin: Karl Curtius, 1910), has been published as the fourth volume of the *Abhandlungen zur Verkehrs- und Seegeschichte* edited by Professor Dietrich Schäfer for the Hanseatic Historical Society. Dr. Püschel has adopted a method which might be followed with advantage by some English student of economic history; leaving on one side the juristic dispute which is still raging about the origin of German towns, he has studied in detail the history of urban topography.

The Germanizing of the Slav territory first on the west, then on the east of the Elbe, was finally accomplished by the definite establishment of settlers in villages, and later in towns. This process was active by the middle of the twelfth century and corresponded to an economic pressure which not only forced the surplus population of Flanders and West Germany eastwards during the thirteenth and early fourteenth centuries, but also produced a rapid development of city life in West and Central Germany. Hence the author describes the growth of cities of Roman or early medieval origin as well as of such *Kolonialstädte* as Lübeck. Relying chiefly on the *Stadtbücher* he traces the topography of fifteen towns: Lübeck, Rostock, Wismar, Stralsund, Breslau, and Brunswick among colonial towns, Hildesheim, Magdeburg, Erfurt, Frankfurt, Nürnberg, and, of Roman origin, Regensburg, Augsburg, Strassburg, and Köln among older towns. A plan of each, dating generally from the early years of the nineteenth century, before the second period of economic growth began, illustrates the text and shows the chief churches and gates, the growth of suburbs, and the lines of the walls. The recent studies of S. Rietschel upon the office of Burggraf and the urban policy of Henry the Lion illustrate the influence which limited work of this kind may have on wider studies in municipal law and origins. There is no necessary opposition, as English students are now aware, between the scholars who insist upon the slow working of economic and social conditions and those who regard a town as a legal creation due to a definite act. In his short but useful introduction Dr. Püschel, summing up the work of his predecessors, draws attention to the relation between agricultural prosperity and urban growth in the lands between the Elbe and the Saale, to the effect of external pressure and of the racial policy of the lord, to the possibility of arguing from the topographical peculiarities of a town to its legal origin. For example, towns which, like Cracow, lost their Germanic character, show traces in their ground-plan of their early connexions. Local antiquaries have already done much for municipal history in England, and there is room for some such comparative study as that of Dr. Püschel's, which depends mainly upon published material. It may, lastly, be possible to get more help from German colonial methods in the interpretation of Anglo-Saxon law. The German undertaker, or *locator*, for example, seems to correspond to the lay and clerical settlers of Ine's laws, whose social status is so perplexing.

F. M. P.

The Pipe-Roll Society has nearly completed the publication of its important series of documents for the reign of Henry II. The last volumes issued contain *The Great Rolls of the Pipe for the Twenty-seventh and Twenty-eighth Years of the Reign of King Henry II* (London, 1909, 1910). These do not differ in any important respects from the earlier volumes which have been noticed at length in this Review. Mr. Round contributes his customary introductions, calling attention to the chief points of interest in the rolls. As usual, legal and economic historians, archaeologists and philologists alike, will here find material to their purpose, ranging from the determination of the date of an important tenant-in-chief or royal justice's death to an early use of the word *blanket* and the building that was

going forward at Dover and Winchester. Mr. Round dwells on the activity of Glanvill the Justiciar, which is particularly evident during the king's absence on the continent. Then a new coinage was being put into circulation, not without difficulty, as would appear from a Cumberland entry: 'Willelmus clericus Roberti de Vallibus redd. comp. de .v. m. quia precepit veterem monetam currere post prohibitionem iusticiarum' (p. 26; cf. Year 28, p. 137). Mr. Round observes that the account for the land of Henry de Essex illustrates the 'complicated and unsystematic arrangement of the king's revenue', and those who have had occasion to use texts of this sort will welcome the phrase. Still the bad debts which appear in a special small roll in the Year 28 are probably inevitable under any fiscal system, and should not be attributed to Henry II's bad organization. The great wind-falls which came to the king from spiritual as well as from lay tenants, and were increased by some manipulation of feudal rights, are specially illustrated in Year 28. The growth and subdivision of land communities is suggested by a Yorkshire entry recording a fine levied 'de Tribus Figelinges' (Year 27, p. 40). The Cheshire cows *de perquisitionibus honoris* (Year 28, p. 149) should perhaps be connected with the mysterious *vacca de metride* which the Boldon Book mentions as rendered by many of the Durham villas. Attention may also be called to a case of treasure trove in Cumberland (*ibid.*, p. 138), and an attempt to reduce certain Lancashire men *qui se faciunt liberos cum non sint* (*ibid.*, p. 63). The *index rerum* is still unsatisfactory: the compiler has omitted the notices of thegns and drengs which occur in Year 27 (pp. 46, 50), and gives no intimation that *noutegeld* which he enters (*ibid.*, pp. 24, 47) is to be identified with *cornage* (p. 48), which he omits. In like manner it is hard to see why, in Year 28, *Rompening* and *Denarii Beati Petri* (pp. 59, 62) should be entered separately and without a cross-reference.

G. T. L.

Dr. J. A. Endres's *Thomas von Aquin* (Mainz: Kirchheim, 1910) forms part of the series entitled *Weltgeschichte in Charakterbildern*, and is adorned with illustrations, representing places and works of art connected with St. Thomas. The book is the work of a scholar who writes with authority, and many students will be glad to obtain in so small a space a more interesting account of St. Thomas than they are likely to find in a larger history of philosophy. Dr. Endres is well acquainted with both ancient and modern authorities; his judgements are sound and learned; and he is especially successful in explaining the historical occasions which gave rise to some of the controversial works, such as the *Contra Errores Graecorum* and the *De Perfectione Vitae Spiritualis*. The position of St. Thomas relatively to Averroes, and also to St. Augustine, is as clearly explained as can be expected in so small a compass. One or two dates in the career of St. Thomas have a certain importance. Ptolemy of Lucca asserts that upon reaching Italy, in the period between his two sojourns at Paris, St. Thomas opened a school at Rome, and this during the reign of Urban IV. But it seems that the mention of a pope made Ptolemy think too hastily of Rome, for Dr. Endres shows that the work of St. Thomas during Urban's lifetime was done at Viterbo and Orvieto. Not until after the accession of Clement IV did he go to Rome, and then in connexion with his Order

rather than with the pope. As regards the return to Paris, Dr. Endres follows Father Mandonnet in arguing that not 1269 but the autumn of 1268 is the right date. He does well to observe that, despite his many changes of residence, St. Thomas was always a man of the cloister. His way of life was always much the same, and there has never been a finer example of what may be done by patient, unostentatious, and even monotonous work. *Quot scripsit articulos, tot miracula fecit*, said John XXII, and there have been many popes who have failed to say anything half so wise.

W. H. V. R.

The archives of the crown of Aragon at Barcelona long suffered unaccountable neglect at the hands of historians, notwithstanding their overwhelming importance for the general and ecclesiastical history of the middle ages. Their value is now becoming recognized, as the results obtained by Professor Finke, for instance, show. It is, indeed, difficult to understand how Sicilian writers, including Amari himself, could have overlooked a store of documents so priceless for the history of their island. Signor La Mantia is now removing that reproach. As a preliminary to his forthcoming *Codice diplomatico* of the Aragonese kings of Sicily he has printed, under the title *Documenti su le Relazioni del Re Alfonso III di Aragona con la Sicilia*, an extract from the *Anuari de l'Institut d'Estudis Catalans* for 1908 (Barcelona: Palau de la Deputacio', 1909), twenty-three documents from these archives, ranging from 8 May 1285, to 13 November 1290. They principally serve to bring out the close relations which subsisted between the two brothers, Alfonso of Aragon and James of Sicily, and supply details concerning their offensive and defensive alliance against France and Naples. The three most important are probably numbers 2, 19, and 21. The first of these, 2 November 1285, shows that Alfonso had surrendered all claims to Sicily to his brother before their father's death. The second, 9 December 1289, is notable as exhibiting Edward I's interest in the liberation of his cousin Charles II of Naples from his Aragonese prison, the negotiations about which matter occupy so many pages of Rymer's *Foedera*; Alfonso here speaks of the liberation as having been effected 'ad magnam instanciam et requisicionem regis anglie'. The third, 27 January 1290, is a letter from the king to the Genoese government, urging the advantages of an alliance, and setting forth incidentally the reasons—or the official reasons—for his father's intervention in Sicily in 1282: 'Sane discrecioni vestre satis credimus esse notum, qualiter, cum felicis recordacionis dominus Petrus pater noster, contra crucis inimicos accinctus, fines barbaricos invasisset, ad requisicionem et supplicacionem Siculorum veniens in Siciliam, de oppressionibus et violentiis Karoli, quondam Regis Iherosolimitani, liberavit eosdem ubique in terra ac mari per suum exercitum, multis triumphis obtentis.'

G. B.

In his essay on *Hoorn au Mogen-Âge* (La Haye: Nijhoff, 1910) Dr. R. van Marle has produced a creditable piece of work, though with a strictly limited scope. He has supplemented the materials furnished by Velius in his *Chronyk van Hoorn*, published in 1630, by further study of the town archives, and by use of more recently printed sources, especially the *Hansisches Urkundenbuch*. From these he has provided a fuller account

of the external history of Hoorn in the fifteenth century, of its conflicts with the Hanseatic League, and of the part taken by it in the struggle between Burgundy and France than is elsewhere accessible. He gives a lucid and succinct account of the territory and population, constitution, justice, finances, military service, hygiene and charity, public works, churches, agriculture, industry, and commerce, with full reference to the archives on which they are based. The point of view adopted throughout is static, the method descriptive. There is no attempt made to follow the development of the town as a social and political organism, and the facts that would illustrate that development are inadequately recorded. We are told, for instance, that the ordinances of the earliest gild—that of mariners dedicated to St. Gertrude—were not specially concerned with the exercise of that calling, and were afterwards embodied in the *Keurboek* of the town; but no hint is given, even in a footnote, of their nature. Some interesting statistics of population, industries, shipping, &c., are furnished. At the time of Charles the Bold there were 2,200 households. These had sunk in 1514 to 1,118 (3,600 communicants). The villages included in the territory included some 500–600 more. With the later period of Hoorn's prosperity—the period of Schouten and Coen—the book does not deal. There are two useful maps, and a few documents.

G. U.

Miss Grace James's *Joan of Arc* (London: Methuen, 1910) is intended, no doubt, more for popular reading than for historical students. But even so the work suffers from lack of concentration; and the devotion of nearly one-third of the space to long and discursive accounts of Gilles de Rais, Agnes Sorel, and the 'Journal d'un Bourgeois de Paris' mars fatally its unity. It is due to these and other shorter digressions from her main theme that the authoress leaves her study of the Maid somewhat mysterious and elusive. Nor does the narrative give so clear and straightforward an account of Joan's career as might be naturally desired by those to whom a book of this type would appeal. These are, however, defects of plan, and when allowance is made for them Miss James's pages afford pleasant reading, and are based on much careful study of a fair selection of original and modern authorities. Those who do not seek for a precise and consecutive history may read the volume with advantage, and derive from it some insight into the religious, political, and social elements which went to make up Joan's environment. There are a sufficient number of well-chosen illustrations, and a useful index.

C. L. K.

In *Vasco da Gama and his Successors, 1460–1580* (London: Methuen, 1910), Mr. K. G. Jayne proposes 'to outline the biographies of certain representative Portuguese of the fifteenth and sixteenth centuries, giving some account of the society in which they lived and the history which they made'. The connexion between a series of biographical sketches is necessarily incomplete, but in spite of this a certain unity pervades each of the six sections into which this book has been divided. These are (1) The Early Discoverers, c. 1415–97, with a sketch of the life of Prince Henry; (2) Vasco da Gama, 1497–1524; (3) From Sea-power to Empire, 1505–48, with biographies of Almeida, Albuquerque, King Manoel, and John of Castro;

(4) Judaism, Humanism, and the Church, introducing sketches of the lives of George Buchanan and St. Francis Xavier; (5) Art and Literature, with an outline of Camoens's life; and finally (6) The Decline of Portugal, 1548-80, giving an account of the death of King Sebastian. In the first three sections Mr. Jayne has little to say that is new. Mr. R. S. Whiteway's book had already dealt most satisfactorily with the early voyages to India, and this volume recounts much of the same story. In the last 150 pages, dealing with the period from 1548 to 1580, Mr. Jayne breaks fresh ground and presents in an agreeable form much that is new, at any rate in English. He has not attempted investigations among the manuscripts, but has been content with printed sources. It is no light achievement, however, to have given a readable account of the art and literature of Portugal in the sixteenth century. While fuller accounts of Camoens and St. Francis Xavier may be found elsewhere, the story of their lives is here interwoven into Portuguese history in an interesting manner. The bibliography is good; but the inclusion of Cary's *History of Christianity in Japan* and the omission of Murdoch's *History of Japan* for the period from 1542 onwards are significant. Burnell's edition of Manoel's letter to King Ferdinand in 1505 should also have been mentioned. The illustrations are fair. A few slips ought to be corrected. At pages 100 and 150 the portraits of Albuquerque and Castro are interchanged. Castro's Red Sea expedition is made to proceed 'from Massawa (*sic*) northward until Aden came into view' (p. 138). Da Gama spent apparently only one night at Suez in 1541, not (p. 141) 'nearly two days'.

H. P. B.

In the fourth volume of the *Acta Pontificum Danica* (Copenhagen: Gad, 1910), Mr. A. Krarup and Mr. J. Lindbaek deal with the pontificates of Sixtus IV and Innocent VIII, when Christian I and his successor Hans were reigning in Denmark and Norway and for part of the time in Sweden. As in the previous volumes (see *ante*, xxiv. 402) the editing is careful, and was much needed, as the orthography of the papal chancery is somewhat wild in dealing with the names of northern places and persons. The documents are chiefly provisions and dispensations for clerics: except for the disputes of the Danish royal family with Sten Sture there are few suits of laymen. In one instance a Lübeck widow appeals for help to enforce the repayment of a loan by a relative of her husband, who is a Danish subject. The foundation of the universities of Lund and Copenhagen evokes special bulls. A student at Rostock aged twenty is licensed to hold a benefice; students of canon law at Bologna and Rome receive preferment. The new monastic foundations, contemplated or actually carried out, are mostly Franciscan, as one would expect under Sixtus IV. The year after the application of Ferdinand and Isabella for authority to introduce the Inquisition into Spain, a Franciscan of Stockholm is appointed inquisitor for heresy in the three northern kingdoms. Various priests receive absolution for actual murder or complicity; the Icelanders are absolved from excommunication fifty years after the murder of their bishop at the altar. A number of documents refer to a dispute in the Franciscan Order over a reformation

sanctioned from Rome and carried out in the diocese of Odense by Laurens Brandsen, who was supported by the queen while the general of the order was hostile. Brandsen's election as provincial vicar was sanctioned in 1480, cancelled in 1481, recognized in 1482, but cancelled by the next pope in 1489. Many northerners seem to have been resident in Rome for shorter or longer periods, and so procured papal provisions to preferment. The most notable of these was Eggert Durkop, an official of the curia, who (as the index shows) was an adept in the art of procuring preferments all over Germany, and finally was provided with the see of Slesvig. His pluralism must have been noticeable even at that period. The one point of contact with this country is that Queen Dorothea interested herself in obtaining for Alexander Giffard, rector of Biggar in the diocese of Glasgow, a licence to hold two benefices.

G. C. R.

In *The Utopia of Sir Thomas More* (London : Bell, 1910) Mr. George Sampson reproduces in a more popular form a good piece of work which he did for the handsome 'Chiswick Library of Noble Writers' in 1903. To the *Utopia*, in Ralph Robinson's second version, 1556, he appends Roper's *Life of More*, carefully edited from four manuscripts in the British Museum, and the letters that passed between More and his daughter Margaret during his imprisonment in the Tower, reprinted from Rastell's folio of More's English works, 1557. The volume is intended for the general reader, and is furnished with brief notes, historical and linguistic, on a suitable scale. To the book thus composed Mr. A. Guthkelch contributes a short introduction about More's life and the *Utopia*; the Latin text of this from the first edition, 1516, and a bibliography which has the admirable feature of giving the British Museum pressmarks for the books enumerated. The collection affords a very useful synopsis for any one who is interested in More and his principal work; but the handful of letters stimulates the appetite and rouses desire for more. M. Delcourt of Montpellier has an edition of More's correspondence in hand; but when all is collected, it is surprising how little survives of the many letters More wrote. The accuracy of the texts is not quite perfect, not so much so, indeed, as the list on p. 336 would lead one to suppose. It may be doubted, too, whether there is any advantage in reproducing exactly the inconstant punctuation of the Latin original. The proofs of the notes might have been more carefully corrected; and the bibliography, though full, is not very clearly arranged. In the introduction a few statements may be demurred to. The evidence for Nicholas as the name of More's schoolmaster at St. Anthony's is questionable; and the idea that More read Greek with Linacre in Oxford has little or no foundation. But according to its scope the book is sufficiently well done; and it is satisfactory to have so much matter about More brought together into one volume.

P. S. A.

There is probably no subject on which the ordinary historical student is more ignorant than that of the Post-Lutheran history of Lutheranism. Janssen has let in a great deal of light, but his point of view is so hostile that despite his array of contemporary quotations few will be disposed to trust him. Dr. James W. Richard, in his *Confessional History of the*

Lutheran Church (Philadelphia : Lutheran Publication Society, 1909) has performed a service to all students of the history of religion in this painstaking effort to enter into the inner history of the Lutheran Communion. There are not wanting signs that Luther's life and writings are again exciting an interest, which has for a long while been lacking. That interest may or may not carry with it a like curiosity in regard to its later stages, but it is at least a gain to have this clear work well supplied with references from one who is initiated into all the mysteries of the Formula of Concord, of Illyrius Flaccus, and the Ubiquity question. J. N. F.

With parts vii-xi, forming the fourth and fifth volumes, Miss Toulmin Smith brings her laborious edition of *The Itinerary of John Leland* (London: Bell, 1909, 1910) to an end. The text has been prepared with the same care which characterized the earlier volumes. We have remarked only one misplacement of a sentence; vol. v. 24: 'It hath but a chapel. The paroch chirch is at Aspebyri a mile of; ' this does not apply to Knutsford, as in the printed text, but to the preceding entry about Congleton, which was, and perhaps still is, in the parish of Astbury. The identifications of place-names seem to be almost always correct. Agecroft' (iv. 6) is still the modern spelling, not 'Edgecroft'. In vol. v. 113, 'Burford, Berks,' is misleading: there is no place of that name in Berkshire: it is the *bridge* over the Thames south of Abingdon, where the bur-ford previously was. The praise which is justly due to the text cannot be extended to the index. So far as it relates to persons it is fairly trustworthy, though very few of the omissions in the index to vols. i and ii, pointed out in this Review, have been made good in the general index, and other omissions could easily be found: e.g. in vol. v, 'Mowbray,' p. 2: 'the Plessyes' and 'the Frankes', p. 133: 'Atherstone,' p. 11: 'Englewood,' p. 52: 'London' (Carmelites), p. 166: Machynlleth, p. 9: Richmond, Yorks., p. 133: Shrewsbury (Grey Friars), p. 183. Allowance will readily be made for errors such as these in a work bristling with proper names. But the subject indexes are often worse than useless. We turn to the heading 'Bridges over rivers enumerated', and find that vols. iv and v have been entirely forgotten. 'Books and writers quoted or cited by Leland' are better done; but among omissions may be noted the 'Boke of the Antiquities of the Howse of Calendars in Brightstow' (v. 91), the life of St. Oswin (v. 57), the 'booke at my Lord Scrops' (v. 140), William of Malmesbury (v. 111), Thomas Wikes (iv. 54), 'a rolle of this gere,' i.e. in the time of King John (iv. 64), while surely the 'very auncient boke of the Evangelyes in majusculis literis Ro.' at Reculver (iv. 60) deserved a mention. Under 'Clothiers' should be added Petworth, iv. 92 (and probably others in vol. iv), and Wotton-under-Edge, v. 95. Under 'Conduits' or 'Water brought in lead pipes', add iv. 13, 25, 41, 90; v. 52. The references to 'Hospitals' are confined to two pages (iv. 70, 71): one might add iv. 22, 26, 48, 50, 59, 65, 86, 88, 89, and be far from exhausting the references to hospitals in one volume. 'Quarries of stone' has two entries, both from vol. iv: other references in vol. iv to be added are pp. 29, 61, 130; in vol. v. 74, 96, 103, 129.

Under the heading 'Schools' most of the places omitted from the index of vol. i have been inserted in the general index, but there is still no mention of the colleges of Winchester and Salisbury (vol. i), nor of the schools at Rotherham (p. 14), Higham Ferrers (p. 22), and Stamford (p. 89-90) in vol. iv. There are probably few books which depend so much on an index for their usefulness as the chaotic Itinerary of John Leland; and it is much to be regretted that the new edition is not furnished with one that is worthy of Miss Smith's work. A. G. L.

Professor Heinrich Boehmer is better known in mediæval matters than in the intricacies of Jesuit diplomacy: perhaps his volume on the subject, of which a French translation, with an introduction and notes by M. Gabriel Monod, has reached us (*Les Jésuites*, Paris: Colin, 1910), is all the better for that. It is a sketch, and no more than a sketch, and will be of considerable service to the general reader. The author's grasp of the broad principles of the great society, and its relations both to politics and religion, is comprehensive, and he deals with certain matters such as the missionary activity of the Jesuits with peculiar insight. The discussion of probabilism is very meagre, and that difficult and intricate topic needs more than is here said. Both author and translator endeavour to be scrupulously fair, and on the whole may be said to have succeeded. The result is naturally somewhat colourless, but there could be no better account to hand to beginners in the study of the Order, which is after all vital to any understanding of modern history. J. N. F.

We welcome another volume of the Letters of Petrus Canisius (Beati Petri Canisii *Epistulae et Acta*, v., Freiburg: Herder, 1910), of which the first four were noticed at length in this Review (vol. xxiv. 18-43, 1909). There is the same care in editing and the same erudition, and we hope that the work will go on under Dr. Braunsberger. It must remain one of the most valuable sources for Counter-Reformation history in German and its inner significance. J. N. F.

There is always a peculiar pathos about a dead university; but Dr. Deichert's amusing and interesting tract on *Die akademische Freiheit in Helmstedt während des 16. und 17. Jahrhunderts* (Hanover: Geibel, 1910), shows that, during this period at all events, the town would in the present instance not have been sorry to be rid of the gown. The Helmstedt students rivalled those of Jena in their rowdiness, and indeed the origin of the term *Philister* is still in dispute on behalf of each of the two universities—Helmstedt, with Samson and the lion in its academical seal, having the more specious claim. In the later days of the Thirty Years' War there was, however, not much to choose between the German universities in respect of manners, and 'pennalism' and other abuses flourished in most of them as well as in the Brunswick Julia-Carolina. Most of these abuses were no doubt of native growth; but the duel proper (as to whose actual beginnings no date is supplied here) seems to have been of French derivation. The eminent names by which Helmstedt is remembered in the history of learning flit but sparsely across these pages. Calixtus, the greatest of

Helmstedt professors, is only mentioned incidentally as protesting in vain against a students' tumult; a far less noble type of learning, Conring, appears as the special object of the literary vengeance of a relegated student, by whom he was denounced as *Frisius degener, dignus ut in Anticyras mittatur*. The demoralization of German life by the Thirty Years' War was nowhere more perceptible than in the universities—what wonder, when, as at Helmstedt, many students eked out their slender incomes by taking service with the Imperialists or the Swedes in the summer months?

A. W. W.

The fifth and sixth volumes of *The Cambridge History of English Literature* (The Drama to 1642. Cambridge: University Press, 1910) go together as Parts i and ii. The first advances from the Origins to Shakespeare, the second from Jonson to Shirley. They are well executed, and the bibliographies are full, careful, and intelligent, though it is a defect for some purposes that they are arranged alphabetically, not chronologically. In vol. v the only chapter which appeals directly to the general historian is the last, an excellent essay by Dr. A. W. Ward on 'Some Political and Social Aspects of the Later Elizabethan and Earlier Stuart Period'. Vol. vi is chiefly and naturally concerned with the literary history of particular authors. The arrangement of so large a subject matter has given the editors some trouble: the chapters at the end of vol. vi, on 'The Children of the Chapel Royal', 'University Plays', and 'Masque and Pastoral', seem out of their place. The weakness of these volumes is that the contributors are throughout uncertain of their audience. If the amateur of literature had been a little more consulted the *History* would have been better reading; if he had been a little less consulted it would have been more useful. We regret too the appearance of a kind of professional jargon among these historians of literature. Professor Saintsbury, while he administers in his chapter on Shakespeare a much-needed purge to the manufacturers of sham biography and chronology, talks of poetry like a warehouseman; his favourite figure is the figure of the 'batch'. Another contributor, Professor Baker of Harvard, informs us that Thomas Lodge whiled away the tiresome hours of a voyage 'by writing the source of *As You Like It*, namely *Rosalynde*' (vol. v, p. 139). This is a sinister distortion: it is a symptom of a disease which may discredit and destroy the profession of literary historian. We have detected, in a selective examination of these volumes, very few mistakes. On p. 51 of vol. v a sentence is quoted from Wyclif's *De officio pastoralis* (c. 15) which does not occur there; on p. 188, 1606 should be 1608; on p. 482 *s.v.* Sheavyn, 1809 should be 1910; and there is some error on p. 178 where we are asked to consider Shakespeare's plays 'from *The Tempest* to *Pericles*'.

G. S. G.

Two interesting essays on the *Commercial Relations of England and Scotland, 1603-1707*, by Miss Theodora Keith, and on *British Credit in the Last Napoleonic War*, by Miss Audrey Cunningham (Cambridge: University Press, 1910), are the first and second of a series bearing the general title of 'Girton College Studies'. They furnish proof at once of the rich openings for illuminating research now appearing in various parts of economic history,

and of the opportune arrival of students competent and eager to render such useful service. As Dr. Cunningham hints in his preface to the former of the two, the explanation of what might otherwise remain obscure in the altered attitude of England and of Scotland towards their Union between the earlier merging of the Crowns in 1603 in the person of James I and the later more complete and final combination of the Act of 1707 receives elucidation from the detailed story, diligently traced through its successive phases by Miss Keith, of the varying commercial interests of the countries. At first they were, and for long they continued to be, in many important respects patently hostile; and Scotland was, for instance, comparatively backward when economically regarded. The author of the second monograph, who bears a name which will command the grateful notice of all students of economic history, has similarly added what amounts to a new chapter to the authentic narrative of a later time. She has been fortunate enough to find convincing testimony of the source from which the inspiration may probably have proceeded that moved Napoleon to his efforts to deprive his invincible and stubborn foes of the potent aid derived from the surprising and enduring efficacy of their credit-system. In short, if these two admirable contributions to our historical enlightenment can be treated as fair samples of their successors, the 'Girton College Studies' have made a felicitous beginning. That favourable start reflects, we may be allowed to add, great credit on the ability, the discernment, and the zeal with which this particular species of research is now being cultivated by members of the institution that gives its name to the series.

L. L. P.

In *Wilhelm von Schröder, ein Beitrag zur Geschichte der Staatswissenschaften*, reprinted from the *Sitzungsberichte der Kaiserlichen Akademie der Wissenschaften in Wien, Philosophisch-Historische Klasse*, clxiv. 1 (Vienna: Hölder, 1910), Dr. H. von Srbik makes an important contribution to the history of political science and political economy in their transition from the period of absolutist mercantilism to that of the so-called enlightened despotism. The scientific system of the famous German economist (1640-88), the successor of J. J. Becher as councillor to the Austrian government and director of the ill-fated textile manufactory on Mount Tabor at Vienna, is shown by an analysis of his works, especially the *Fürstliche Schatz- und Rentkammer* of 1686, to be much less opposed to the progressive tendencies of the *Naturrecht* than one would expect from the current accounts of Schröder's 'fiscalism', although it was still based on an entirely mystic conception of the divine right of kingship. The vicissitudes of Schröder's life are here for the first time cleared up with the help of unpublished documents, so that it may be hoped that his personality will now no longer be confounded with that of his father, the chancellor of Duke Ernest the Pious of Saxe-Gotha (1610-63). To our readers perhaps the most remarkable incident in the son's career will seem his connexion with England, where he was made a fellow of the Royal Society in 1662, and resided later on as a political and general agent of the emperor, Leopold I, from 1674 to 1677. His friendship with Sir Kenelm Digby is believed by Dr. von Srbik to have started him

on the way that led to his later conversion to Roman catholicism; he dedicated to him his unsuccessful dissertation in favour of absolutism at Jena in 1663. A closing chapter on Schröder's influence upon the later development of political economy perhaps goes too far in crediting him with the authorship of the modern organization of banking, statistics, and the advertising press in the eighteenth century. C. B.

In the last number of the *Zeitschrift des Historischen Vereins für Niedersachsen* for 1910, Miss Wendland makes public for the first time some new materials for the history of the court of Hanover under Ernest Augustus, found in a series of volumes containing manuscript copies of letters and other documents formerly in the possession of Queen Sophia Charlotte of Prussia and preserved by herself or her mother. These materials consist, in the first place, of a full and semi-humorous account by the (then Duchess) Sophia of her visit, in March 1671, to her sister Elisabeth, during the stay, at Herford of the celebrated religious enthusiast Labadie and his votary Anna Maria von Schurmann—a visit already known as mentioned in the correspondence of the duchess of Orleans, who, however, dated it in the following May. The second, and most curious, of these *trouvailles* is a short, but sharp, correspondence between Sophia and the Duchess Eleonora of Celle, who take opposite sides concerning the expedition of the prince of Orange in 1688, scant sympathy being shown to the enterprise by the princess of Stuart descent. The third is a long and rather fulsome description from the hand of Aurora von Königsmark, of the Hanover carnival of 1693, in which the leading parts were taken by the beauty who charms and the beauty who subdues—in other words, by Sophia Charlotte and her sister-in-law, Sophia Dorothea, whose catastrophe was not far distant. A. W. W.

The Vicomte du Breil de Pontbriand has published several monographs on distinguished members of his family, and in the last bishop of French Canada he has found a worthy subject for biography (*Le Dernier Evêque du Canada français; Monseigneur de Pontbriand, 1740–60*, Paris: Champion, 1910). The bishop's *mandements* and a few letters to his sisters and others are the original sources used by the author, and illustrate the increasing anxieties of the last years of the French domination. Fires, epidemics, and famine caused him less distress and fear for the province than the outburst of gambling and immorality which, centring at the house of the corrupt *intendant*, Bigot, spread through Canadian society, civil and military, in the closing years of the struggle. In his directions to the clergy of Quebec in 1759, as previously to those of Acadia, Monseigneur de Pontbriand recommended an attitude prudent and inoffensive, but watchful in the interests of France and the faith. Patriotism seconded religion also in the encouragement of the Indian missions, and the bishop and his biographer both seem to believe that the 'precious auxiliaries prepared for the French cause' by the Jesuit missionaries had no part in the massacre at Fort William Henry or other barbarities. The bishop's patriotism was that of a French Canadian even more than of a Frenchman, and his partiality for the somewhat incompetent governor Vaudreuil, a Canadian, seems to have increased the discord between the latter and the French

commander, Montcalm. Till the end, though enfeebled by illness, the bishop did his best for his flock and for his country; and he encouraged as a crusade the attempt of Lévis to retake Quebec. He died three months before the capitulation at Montreal. If the author denounces at the opening of the war *un ennemi aussi avide que de mauvaise foi*, he closes with an appreciation of British rule in Quebec, which perhaps betrays the sympathies of a noble and a churchman. English names are in general accurately given, but Monkdon should be Monckton, and Barstreet appears instead of Bradstreet. J. M.

In the *Annales de Bretagne*, tome xxv. no. 2 (1910), Lieutenant H. Binet has contributed an interesting article, called 'Saint-Malo et la région malouine après les descentes anglaises de 1758'. In it he studies the history of two descents on the coast of North-Eastern Brittany in that year. The first was in June, when the duke of Marlborough landed a considerable force at Cancale, and ravaged the country from Saint-Servan to Dol. The second was in September, when General Bligh landed near Saint-Briac and wrought considerable mischief to the west of the Rance until his defeat at Saint-Cast. Original documents show that the ravages inflicted by the English cost the region more than 17,000,000 francs. T. F. T.

In the first half of the ninth volume of M. Ernest Lavisse's *Histoire de France (Le Règne de Louis XVI)*, by MM. H. Carré, P. Sagnac et E. Lavisse, Paris: Hachette, 1910), the narrative is carried down to the preliminaries of the assembly of the States General of 1789. The authors have the good fortune of being allotted the same amount of space for the fifteen years between 1774 and 1789 as was, in the previous half volume, assigned to M. Carré for the sixty years between 1714 and 1774, and the ampler room has happily resulted in a singularly vivid and detailed picture of all sides of French life and thought on the eve of the revolution. To this M. Lavisse appends some striking generalizations on the whole reigns of Louis XV and Louis XVI. It is a worthy conclusion to a remarkably well-sustained work of co-operation. T. F. T.

To the *Proceedings of the Massachusetts Historical Society*, April-June, 1910, Mr. C. F. Adams has contributed a paper pointing out the 'failure of Washington to utilize cavalry'. In the November number the same author directs a trenchant criticism of the campaign of 1777, which exposes the defective strategy of Washington no less than of Howe. In a further paper on 'Contemporary opinion upon the Howes', Mr. Adams makes use of the Mauduit Papers which are calendared in the same number by Mr. Ford. H. E. E.

M. Léon Dubreuil has published in a volume entitled *La Révolution dans le Département des Côtes-du-Nord* (Paris: Champion, 1909) half a dozen very solid and soundly-based studies of a side of the revolution in Brittany which is apt to be ignored. He desires to do justice to some of its aspects and figures which are put out of focus by the *émigrés* and Chouans who loom so large in the foreground. What chiefly emerges from his researches is, perhaps, the hard and unrelenting labour which engaged the local and departmental authorities, most of them new to

their work. The carving out of Brittany into departments was no easy task; in that of the Côtes-du-Nord, for instance, with its arbitrary boundaries, there was a considerable amount of quarrelling over territorial limits. M. Dubreuil shows the organization of the new administration, the attempts of the departmental authorities at a methodical division of work, and the difficulties which they encountered. On the economic side there were long controversies, both theoretical and practical, on the subject of the *domaine congéable* and its abolition or non-abolition, a problem on which the municipality of Loguivy-Plougras found itself at variance with its superiors. How deeply the department was terrorized by the Chouans at the time of the establishment of the Consulate appears in the chapter which M. Dubreuil has entitled 'La Liquidation de la Révolution', in which he is concerned to show how the old revolutionary personnel continued to occupy the administration under the new constitution. For these and other matters, such as the struggle between the moderates and extremists during the Directory, or the views of the department on federalism, the historian who is not wedded to the Chouannerie may profitably consult a book to the making of which has gone an immense amount of minute and painstaking research, and which possesses, besides an index, biographical notes on the chief persons mentioned. D. K. B.

Dr. Hermann Eicke's dissertation on the labours of the East Prussian Diet and their results (*Der ostpreussische Landtag von 1798*, Göttingen: Vandenhoeck & Ruprecht, 1910) is of interest as a contribution to the history of internal reform in Prussia before the catastrophe of 1806. The authority acquired by the free-trade doctrines of Adam Smith, and the general influence of the ideas of the French revolution, are alike perceptible in the discussions of the diet, which was opened shortly before the arrival of the new king, Frederick William III, at Königsberg; but neither was the trade in corn (the principal export of the province) freed from the arbitrary interference of government, nor was the nobility brought to agree to the emancipation of the peasantry on their estates as a complement of that of the peasantry in the crown domains. Of a special series of *gravamina* preferred on their own account by the *Kölmer*, (the non-noble landed proprietors, who had hitherto had to act at the diets through the nobles) the principal remained unredressed, and for several years longer the nobles alone continued to enjoy exemption from the supply of *Fourage*. A. W. W.

The late Mr. William Hardman's *History of Malta during the period of the French and British occupations, 1798-1815* (London: Longmans, 1909), consists principally of a collection of documents relating to the history of Malta during the years from 1792 to 1815. It was made by Mr. Hardman of Valetta, who added an explanatory narrative. He did not live to complete his task, and the manuscript has consequently been edited by Dr. J. Holland Rose, who has contributed a valuable introduction, and supplied footnotes where necessary. Nearly all the documents are new, and they throw much additional light on the questions connected with the fall of the Order of St. John, and on the protracted and complex diplomatic intrigues which finally ended with the complete

establishment of British sovereignty over a possession originally acquired rather by accident than by design. Particular mention must be made of Vaubois's journal of the siege of Malta, which is here printed for the first time. The destinies of Malta have always become merged in the larger question of the mastery of the Mediterranean, but the island was the storm centre of the world during the years from 1798 to 1803. No apology is therefore needed for a detailed investigation of events during this period, fraught with so much interest to students of Napoleon's eastern projects. The state-paper office at Naples contains a mass of documents, dealing with the history of Malta during these years, and no attempt, we think, has yet been made to search through them systematically. With this possible exception, the book contains practically all the documentary evidence bearing on the matter.

H. C. G.

Mr. W. S. Robertson's *Francisco de Miranda and the Revolutionizing of Spanish America* (Washington: Government Printing Office, 1909), which is reprinted from the annual report of the American Historical Association for 1907, bears abundant evidence of careful and exhaustive research, extending to the archives of England, France, Spain, the United States, and Mexico, and includes an excellent bibliography. The author's mass of information is at times almost oppressive to the reader, but it does not obscure his interesting presentation of Miranda's career and character. Fresh light is thrown on his dealings with Pitt during the Nootka Sound crisis, and upon his attempts to interest Great Britain and the United States in his dreams of South American, and particularly of Venezuelan, liberation. Mr. Robertson regards Miranda as the type of 'a professional revolutionist'; he was always restless and sanguine in his plans, and by no means equally stable or courageous in their execution. He died, an unhappy failure, in a Spanish prison in 1806, but the writer's dispassionate story enables us to realize that there must have been some great qualities in a man who could win the friendship of such alien characters as Bentham and Wilberforce, and who was, in his opinion (p. 405), 'the chief organizing force of the independent movement in his native land'. The style of the book is often curiously un-English; Lady Hester Stanhope is described as 'niece to Minister Pitt' (p. 436).

G. B. H.

Thomas Moore has his place in the history of English literature; but Father Alois Stockmann's attempt, in *Thomas Moore, der irische Freiheits-sänger* (Freiburg im Breisgau: Herder., 1910), to characterize him as a *Freiheitssänger* is, we think, a failure. Liberty to Moore was rather an intellectual idea than a thing to be fought for even as Byron and Shelley fought for it. He had no quarrel with society. On the contrary, the atmosphere of a London drawing-room was far more to his taste than the smell either of gunpowder or of his native bogs. He loved pretty things, and had a horror of everything *outré*. Such men as O'Connell were a terror to him. Pain, physical and intellectual, he could not bear. Perhaps the most distasteful of all the tasks he ever undertook was the writing of the history of his own country. Father Stockmann has not much to say about it; but he would, we think, have found it a safer guide than either

Dr. Bellesheim or Mrs. J. R. Green, to whom he refers in handsome terms (cf. p. 16, note). Such epithets as *blutriefender entmenschter Schlächter* applied to Henry VIII, *schlaue Katze* as descriptive of Elizabeth, and *Märtyrerkönigin* as descriptive of Mary Stuart, do not inspire confidence in his historical impartiality; and it certainly requires considerable courage, in referring to the 1641 episode, to write that *bei der eingehendsten Untersuchung durch protestantische Forscher [nur] 17 eigentliche Mordtaten festgestellt werden konnten*.
R. D.

The committee of the Royal Artillery Institution at Woolwich are doing good service to the study of military history in publishing the *Dickson Manuscripts*, a selection from the diaries, letters, and other papers of Sir Alexander Dickson, who was one of Wellington's principal artillery officers in the Peninsular war and commanded the artillery in the campaigns of 1813 and 1814. The great mass of material dealing with these campaigns which Dickson collected was utilized by Colonel Duncan in writing his *History of the Royal Artillery*, but it is most useful to have the originals in this accessible form. The manuscripts are being published in instalments, the latest of which, chapters iv to vi of series C, cover the year 1812 and the first six months of 1813 (1909-1910). They include therefore a great deal of valuable information as to the sieges of Ciudad Rodrigo, Badajoz, the Salamanca forts, and Burgos, as well as no less than six accounts of the battle of Salamanca by officers of the Royal Artillery who were present there. Captain Dyneley's is the most interesting and circumstantial of these: he was with 'E' troop, R.H.A., and was on the North Arapile. Another valuable item is Captain Lawson's diary of the campaigns of 1812 and 1813, which leaves a very unfavourable impression of the discipline even of the Royal Artillery at that period. At Vittoria the want of roads made it difficult for the guns to act with the divisions to which they were attached, and thus Dickson, who was in command of the artillery, was able to collect them and employ them in mass with 'a famous effect'. 'In none of our Peninsular battles' (he writes) 'have we ever brought so much cannon into play' (p. 916). But in some ways the most important material is that relating to the siege of Burgos. One hardly wonders at the failure to take that place when one realizes that Wellington had only some eight siege guns and under 150 artillerymen, including Portuguese, available; that he was so short of ammunition as to be obliged to use French 16-lb shot in his 18-pounders and to dig out of a captured breach shot which had already been fired, for use a second time. When we add to this a lack of trained sappers, more than 60 casualties among the small force of artillerymen, and the disabling of several of the guns, the failure is abundantly explained. As Colonel Dickson's journal says, 'six 24-pounders and two 8-inch howitzers with 700 rounds apiece' would have breached 'the whole of the lines, castle and all, in three or four days'. One may perhaps also mention the very low proportion of guns to men in the field; at Salamanca we had only 60 field-pieces in all, including 6 Spanish, which gives under 1½ guns per 1,000: at Vittoria we had 90 guns to nearly 70,000 Anglo-Portuguese, an even lower proportion.
C. T. A.

Mr. P. H. van der Kemp's book on *De Teruggave der Oost-Indische Koloniën*, 1814-16 (The Hague : Nijhoff, 1910) contains an account of the negotiations and conclusion of the treaty of London of August 1814 dealing with the Dutch colonies, and a full description of the reorganization of the Dutch government so far as the colonies were concerned. The preparations for the dispatch of the expedition of the commissioners, who were to take over the colonies from the British authorities, are described in detail, as are their difficulties on the voyage and their troubles on arrival in Java, originally due to their starting before any instructions had been sent by his majesty's government for the surrender, but enormously aggravated by the want of tact and common sense evinced by Elout, the chief commissioner. The author explains in the preface that his book was rendered possible by the royal decree of 1904 opening to the public archives dated before 1831 which had previously only been partially available for research. These archives are far from complete, as the greater part of the records are in Java ; but this is not so much the case in the earlier years after the restoration of Dutch rule, and from the nature of the subject of this book it is clear that the colonial records cannot be of much importance for Mr. Van der Kemp's present purpose. Amid the confusion of reorganizing a national state it is clear that not much attention was given to the colonies. Any class of man was apparently regarded as good enough to recruit for the colonial army, ships were unseaworthy, and the most culpable negligence attended the dispatch of stores. It is indeed to the credit of the Dutch administration that with methods so defective they succeeded in taking over Java peacefully, despite the prophecies of trouble which Sir Stamford Raffles wrongly made. Mr. Van der Kemp gives sketches of the principal Dutch statesmen and officials concerned in colonial affairs, and in discussing at the end the awkward position created in Java by the arrival of the Dutch commissioners in advance of the instructions to Lieutenant-Governor Fendall, points out with perfect fairness that Fendall could hardly be expected to accede to Elout's demands for immediate surrender of the colony. He is perhaps less fair in discussing the negotiations in 1814, when the Dutch government claimed to have all their old colonies back, a claim which, as Van Hogendorp saw, was impossible. The book is evidently based on a wide examination of the available sources of information, and is put together with care. It has an appendix of documents and a full index.

H. L.

The object of Herr Heinrich Seeholzer's *Die letzten Tage des Ministeriums Emil Ollivier* (Zurich : Orell Füssli, 1910) is to come to the rescue of an injured man, to rehabilitate a statesman who has been unjustly attacked ; and his evident sincerity of purpose, together with a pen pleasantly steeped in the fount of classical culture, serve to render his brochure eminently readable. But, in general, he is content to refute any charge brought against M. Ollivier by a triumphant quotation from M. Ollivier's own writings, which form indeed the basis of the greater part of his treatise. It hardly seems to occur to Herr Seeholzer that in his *L'Empire Libéral* the liberal premier is necessarily engaged in conducting his own defence ; that in consequence a perpetual appeal to these volumes as final exculpation of

his policy is something of a *petitio principii* on the part of his advocate. For the rest the pamphlet might serve a useful purpose if put into the hands of any German reader who should still believe that France alone was responsible for the Franco-German war. Such a reader would find here a sufficiently concise and forcible statement of the case for M. Ollivier to challenge his attention, together with references to his own writings plentiful and exact enough to enable him to pursue the investigation for himself. There are some slips, chiefly due to lack of proper revision in proof. It was not, of course, in November 1870, but a year earlier, that Napoleon III sounded M. Ollivier as to his willingness to form a ministry (p. 5). The quotation from Disraeli on p. 94 contains a misspelling, for which neither he nor the printers can be held responsible. Demosthenes *pro corona* (p. 96) is strange: there is a misprint in the quotation from Aeschylus on p. 99, and there are several more even in the German text itself (e. g. p. 1, l. 12). F. A. S.

We have received copies of new editions of three deservedly well-known books, the fifth edition of Archdeacon Cunningham's *Growth of English Industry and Commerce during the Early and Middle Ages* (Cambridge: University Press, 1910), the second edition of *The Emperor Charles V* by Mr. Edward Armstrong (London: Macmillan, 1910), and a 'completely revised' edition of Mr. James Bryce's *American Commonwealth* (New York: Macmillan, 1910). The modest enumeration which Dr. Cunningham gives of the sections which he has rewritten afford but a slight indication of the extensive alterations in detail which he has succeeded in making throughout the book, wherever we have compared it with the fourth edition, without increasing the bulk of the volume by a single page. Mr. Armstrong prefixes a bibliographical introduction to his second edition, giving a survey of the literature which has accumulated since his book first appeared in 1901 and which has enabled him to improve it in various ways. The alterations in Mr. Bryce's book and the new chapters now added relate too much to the social and political phenomena of the present day for it to be suitable to discuss them in these pages: to those who desire to be informed of what is now going on in the United States they will prove of the highest interest and importance. F.

The second volume of the eighth series of the *Historisk Tidsskrift* (Copenhagen, 1909-10) contains several interesting articles on various points in Danish history. The more important of these are the following, taking them in the order of the events or periods to which they refer. Vilhelm la Cour discusses some questions relating to the famous Danevirke, under the title of 'Who built the connecting rampart between Haddeby Nor and Danevirke Lake'. His article is mainly a criticism of certain views lately put forth by Dr. Sophus Müller, from whom he differs in assigning a later date to this particular portion of the great earthwork. Dr. Lauritz Weibüll writes on the 'Annals and Calendar of Colbaz', the earliest work of this kind belonging to Denmark, and endeavours to fix the date and sources of the original compilation; his conclusion is that it was begun about 1140, and was based on some Norman annals. Similar in character, but of a fuller nature, is an article by Jørgen Olrik, in which

he investigates the problems connected with the composition of Saxo's history of Denmark. The results of this inquiry are briefly summed up on p. 263: 'About the year 1185 Saxo began to write the history of the sons of Sven (Estridssen), mainly from information supplied by Bishop Absalon, and worked at this for some years (last part of book 11, together with 12 and 13). As this section had been successful, Absalon requested him to continue, and also to extend the work so as to include the older period; we accordingly find Saxo after 1190 engaged in the composition of book 14, and of the first books of the early history. After Absalon's death the remaining books of the early history were written, together with 9, 10, and the first half of 11; the conclusion of book 14, as well as 15 and 16, must also be regarded as written after Absalon's death. Towards 1220 the work was finished, and was then provided with the dedications to Valdemar Sejr and Anders Sunesson.' Some interesting facts relating to retail trade in the fifteenth and following centuries are brought out by Professor Steenstrup in a short article on 'Pebersvende', written mainly to demonstrate that the current explanation of the later sense of this word is quite unfounded. The seventeenth and eighteenth centuries are represented by articles on 'Christian the IVth's mercenary army in the years 1638-43', by Captain K. C. Rockstroh; 'The relative strength of the Danish and Swedish fleets in the battle of Køge Bay, 1 July 1677,' by Pastor H. D. Lind; 'Griffenfeld and Fuenmayor; a study in Danish foreign policy,' by Dr. Knud Fabricius, which is the longest article in this volume; 'Christian VII as an actor, a contribution to the early history of the Royal Theatre,' by Robert Neiiendam. In addition to various smaller contributions and reviews, the volume also contains bibliographical lists of historical works for 1907 and 1908. W. A. C.

In a handsome volume entitled *A Quantock Family, the Stawells of Cothelstone and their Descendants* (Taunton: Barnicott and Pearce, 1910), Colonel Stawell has collected and commented on the evidences for the history of his family, which for some centuries owned the manor of Cothelstone near Taunton. The Stawells probably came from a Geoffrey de Coveston noted in the *Liber Niger de Scaccario* as holding three knights' fees of the bishop of Winchester and one, doubtless representing the estate from which the Stawells took their name, of the abbot of Glastonbury. Their history presents little of general interest before the outbreak of the civil war, when Sir John Stawell, K.B., one of the knights of the shire for Somerset in the Long Parliament, 'a great chymist' and M.D. of Oxford, raised a large force for the king and did him good service in Somerset and Devon. His second son, Sir Edward, in command of a brigade of horse and his own regiments of horse and dragoons, made a gallant stand at the battle of Alresford or Cheriton, and was badly wounded and taken prisoner. After the war was over Sir Edward took shelter in France, and wished to compound for his estates; but the stout old cavalier, his father, threatened to disinherit him if he did so, and they both lost their lands. Sir Edward died in exile, but his father lived to regain his estates at the Restoration. As a reward for the loyalty of his house Sir John's son Ralph was created Baron Stawell of Somerton by Charles II. The peerage became extinct on

the death of the fourth baron who left a daughter married to Henry Bilson Legge, chancellor of the exchequer in 1756 and 1757-61. She was created Baroness Stawell, but on the death of her son in 1820 the peerage again became extinct. This last Baron Stawell sold the manor house of Cothelstone which had been ruined by the parliamentary army. Early in the seventeenth century some of these Stawells settled in Ireland, and from them came the Stawells of Kilbrittain, one of whom was attained by the Dublin parliament of James II in 1689 and another served with distinction in the Peninsular war: from another branch, also settled in co. Cork, came Sir William Stawell, first chief justice of Victoria, and Colonel Stawell the author of this book. Colonel Stawell prints a large collection of documents in his appendices and his work generally shows great industry and care; there is, however, a slip on p. 46, probably the result of an oversight in correction for press, which would antedate the foundation of Wadham college, Oxford, by about two hundred years. W. H.

In *A Short History of Southampton* (Oxford: Clarendon Press, 1910), one of the cheap local histories now being widely used in schools, Professor Hearnshaw has set an admirable pattern. As a trained historian, he shows how local annals and antiquities illustrate the history of the nation, and he is well seconded by several members of the Southampton Historical Association, who write chapters on special points. Southampton, at any rate, is now safe from the amateur work which too often discredits English local history, for sound lines have been laid down for future progress. The work has been so well thought out that it is difficult to discover omissions; but while the father of Bishop Mant, as master of the Southampton Grammar School, is mentioned, the historian of the Irish church, a pupil of that school and a native of the town, is passed over in silence. G.

Mr. H. C. Lukach has prepared a *Bibliography of Sierra Leone, with an Introductory Essay on the Origin, Character, and Peoples of the Colony* (Oxford: Clarendon Press, 1910), which will be of value to students of the history of West Africa. H. E. E.

CORRECTIONS IN THE JANUARY NUMBER.

p. 98 line 10. Sir James Ramsay writes: 'The rate of duty on general articles was 3d. on the pound avoirdupois, not on the £1 value as stated. The wording of the Carta Mercatoria is ambiguous and in fact contradictory; but the actual manuscript accounts of the Receivers leave no doubt that both the original 3d. and the subsequent enhancements of the duty were levied on the lb. weight, just as all the other duties granted by the Carta were levied not on the value but on the quantity, the sack, the last, the barrel, the piece of cloth. The Carta specially disclaims any valuation or appraisement by the king's officers.'

p. 168. Dr. G. H. Allen's edition of the *Forum Conche* was published at the University Press not of Chicago but of Cincinnati. We regret that the mistake should have caused inconvenience.

THE ENGLISH HISTORICAL REVIEW

NO. CIII.—JULY 1911 *

England and Sicily in the Twelfth Century

I

TO the student of the comparative history of institutions the two Norman states of the twelfth century offer a field of peculiar interest. Founded in each case by conquest, both the Anglo-Norman and the Sicilian kingdoms solved the problem of uniting diverse and hostile races under a single ruler, and in both consolidation was carried so far as to produce the strongest and most highly organized governments of their age in western Europe. Fundamental differences in the institutions and underlying conditions of the two countries cannot of course be ignored, particularly the persistence of Byzantine and Saracen influence in the south and, consequently, the more bureaucratic character of the Sicilian system; yet when all these have been taken into account, the fact remains that, so far as the creation of a central government was concerned, the fundamental problem was much the same in the two kingdoms, and a comparison of the two administrative systems may not only serve to bring out the distinctive features of each, but may also contribute to a better understanding of the Norman talent for political organization. Such a study falls naturally into two parts, the period of conquest and the period of administrative development in the twelfth century, and the natural procedure would be to take them up in chronological order. Unfortunately, the sources of information are still, especially in the south, too meagre for any adequate study of the first of these periods, and it must be postponed at least until the completion of the important enterprises of documentary publication which are now in progress.¹ For the

¹ I refer particularly to the *regesta* of the Norman kings in preparation by Mr. H. W. C. Davis and to the *corpus* of documents of the Norman period in southern

twelfth century, on the other hand, material is more abundant and more accessible, and while it may appear hazardous to proceed without testing more carefully the foundations upon which the two states were built, the work of King Roger in Sicily and of Henry I and Henry II in England was in itself so considerable and so far-reaching as to be susceptible, provisionally, of study apart from the achievements of their predecessors.

Furthermore, besides the advantage of studying comparatively such institutions as can properly be compared, another phase of the subject presents itself, the possibility of the actual influence of one form of government upon the other. Not only was there throughout the twelfth century such contact between the northern and the southern Normans as would affect matters of trade and culture, but the two courts were connected in a variety of ways, and each was in a position, if it so desired, to profit by the other's experience in dealing with similar problems. A restless experimenter like Henry II was not the man to despise a useful bit of administrative mechanism because it was foreign, while King Roger made a special point of inquiring into the practices of other kings and countries and adopting anything in them which seemed to him valuable.² At the same time it must be borne in mind that, where sources of information are as scanty as they are in the twelfth century, nothing is harder to prove than the direct borrowing of institutions, and in no field of historical inquiry is it easier to be misled by superficial resemblances. In the absence of direct evidence, such for example as exists for similar matters in the fifteenth century, nothing more than a certain degree of probability can be established, and the force of this will depend in large measure upon the closeness of the relations between the countries in question. This article is concerned primarily with an examination of those elements of the Sicilian central government³ which are significant for com-

Italy and Sicily upon which Professor Garufi of the University of Palermo has long been at work. Although none proved of service for the present article, I wish to express my special thanks to Professor Garufi for the generosity with which he placed at my disposal his splendid collection of photographs of early Sicilian charters. I am also under particular obligations to Don Leone Cerasoli, archivist of La Trinità della Cava, and Don Martino Martini of the same monastery; to Don Semplicio de Sortis, archivist of Monte Cassino; and to the Carnegie Institution of Washington, with whose assistance my studies of Norman institutions have been carried on.

² 'Aliorum quoque regum ac gentium consuetudines diligentissime fecit inquiri, ut quod in eis pulcherrimum aut utile videbatur sibi transumeret : ' Hugo Falcandus, ed. Siragusa, p. 6. Compare the advice to imitate Henry II which Philip Augustus is said to have received from his household : Ralph de Diceto, ii. 7 f.

³ No comparison of local institutions is attempted, partly because this was the point in both countries where pre-Norman elements counted for most, and partly because the local institutions of southern Italy and Sicily cannot profitably be treated until the documentary material has been more adequately studied and proper allowance made for the considerable differences between different parts of the kingdom. Both

parison with Anglo-Norman institutions, but the possibility of reciprocal influence will have to be considered, and we may best begin by noting such indications as have reached us of intercourse between the two kingdoms.

Many influences combined to maintain relations between Sicily and the Anglo-Norman lands long after the age of conquest and colonization was at an end. The southern branches of Norman families did not lose all connexion with the parent stem: readers of Ordericus Vitalis will recall the interminable comings and goings of the members of the house of Grentemaisnil in the eleventh century, and as late as 1130 one of this family gave up his fiefs in the south in order to return to his relatives in Normandy.⁴ The northern Normans showed pride in the achievements of their Italian kinsmen,⁵ and it is characteristic that the splendour of Rouen and the glory of King Roger form the joint theme of a Latin poem of c. 1150.⁶ No list can be attempted of the Norman and English students at Salerno⁷ or of the pilgrims and crusaders who went or returned by way of Bari⁸ or Messina, nor can we hope to recover many traces of the commercial intercourse which must have existed. It is, however, significant that we hear of a merchant of London at Salerno and a merchant of Brindisi at the tomb of Becket,⁹ and that the money of Rouen was in common use in the region of Aversa at least as late as 1135.¹⁰ The great monasteries of St. Eufemia, Venosa,

local and central government are described in the provisional accounts of Sicilian institutions given by Chalandon, *Histoire de la Domination normande en Italie et en Sicile* (Paris, 1907), ii. 611-707; and by Mayer, *Italienische Verfassungsgeschichte* (Leipzig, 1909), ii. 363-431, who sees the institutional problems more clearly but treats them in too juristic a fashion. There is an excellent monograph on the Sicilian chancery, that of K. A. Kehr, *Die Urkunden der normannisch-sicilischen Könige* (Innsbruck, 1902); and Amari and Garufi (see below, p. 441 n. 49) have thrown light on the fiscal administration. There is no satisfactory account of the military organization (see, however, Chalandon, ii. 510-24, 564-80; Mayer, i. 423-30) or of the judicial system. The constitutional side of King Roger's reign is discussed by Caspar, *Roger II* (Innsbruck, 1904).

⁴ Alexander Teleso, i. cc. 17, 20-2, in Del Re, *Cronisti e Scrittori sincroni napoletani* (Naples, 1845), i. 97, 99 f.; Ordericus, iii. 455.

⁵ Ailred of Rievaulx, in *Chronicles of Stephen*, iii. 186; *Miracula S. Michaelis*, in *Mémoires des Antiquaires de Normandie*, xxix. 864.

⁶ Printed by Richard, *Notice sur l'ancienne Bibliothèque des Échevins de Rouen* (Rouen, 1845), p. 37.

⁷ Adelard of Bath is an early instance; see below, p. 492 n. 9. 'Ugo anglicus' is found in a Salerno necrology, edited by Garufi, in *Atti of the Palermo Academy*, vii. 24. Salerno was not the only centre of study which attracted English students to the south; see Haskins and Lockwood, 'The Sicilian Translators of the Twelfth Century and the First Latin Version of Ptolemy's *Almagest*,' in *Harvard Studies in Classical Philology*, xxi. 86, 97.

⁸ *Catalogus Codicum hagiogr. Paris.*, ii. 422 f.

⁹ Wright, *Anglo-Latin Satirical Poets*, i. 37 ff.; *Materials for the History of Thomas Becket*, i. 362, 452. There was a William Apulus at Norwich, *Life of St. William of Norwich*, p. 31.

¹⁰ Alexander Teleso, iii. c. 8, iv. c. 1 (Del Re, pp. 133, 146); see, for a specimen coin, Sambon, in *Gazette numismatique française*, iii. 138.

and Mileto had been founded by monks from St. Evroult, and the *cantus Uticensis* was still sung in them in the days of Ordericus,¹¹ who doubtless derived his full knowledge of south-Italian affairs from the intercourse maintained with these daughter-abbeys.¹² The chroniclers of Mont St. Michel and Bec were likewise well informed concerning events in the south,¹³ as were English historians of the close of the century;¹⁴ and if St. Michael and St. Nicholas¹⁵ were popular in Normandy and England, St. Thomas of Canterbury was promptly added to the Norman saints who had kept a place for themselves in the south-Italian calendars.¹⁶ John, abbot of Telesse, had studied at Bec;¹⁷ while Albold of St. Edmund's, Robert of St. Frideswide's, and Warin of St. Albans were heads of English religious houses who had spent more or less time in southern Italy.¹⁸ Many men of Norman birth received ecclesiastical preferment in Sicily, not only in the period of reorganization following the conquest, but in the time of Roger II and his immediate successors. William, bishop of Syracuse, the friend of Adelard of Bath, would seem to have been a Norman,¹⁹ as likewise, a generation later, the archbishop of Palermo, Roger Fescan.²⁰ We find John of Lincoln and Herbert of Braose among the canons of Girgenti in 1127,²¹

¹¹ ii. 89-91.

¹² See Delisle's introduction to vol. v, p. xxxvii; cf. ii. 110. Ordericus (ii. 88) also used Geoffrey Malaterra.

¹³ Robert of Torigny, *passim*; S. Nicolai in *Normannia et in Apulia Miracula*, by a monk of Bec, in *Catal. Codd. hagiogr. Paris.*, ii. 405-32.

¹⁴ Roger of Hoveden, i. 223; William of Newburgh, ii. 428-31; Ralph de Diceto, ii. 37 f.

¹⁵ See above, note 13.

¹⁶ See *Materials for the Hist. of Thomas Becket*, i. 165, and the mention of churches dedicated to him in 1179 in De Grossis, *Catania sacra*, p. 98 f.; cf. Ughelli-Coleti, *Italia sacra*, vii. 501. For the older Norman saints, see the calendar of La Trinità di Venosa, now MS. 334 of the library of Monte Cassino, printed in Gattola, *Accessiones ad Historiam cassinensem*, ii. 843 ff.; and the so-called *Missale gallicum* of the cathedral of Palermo (MS. 544), where the entry, in a later hand, of 'Jorlandi episcopi' opposite the 'Sancti Laudi Episcopi' of the twelfth-century original (f. 251 v.) shows how the St. Ló of the Norman calendar has given way to St. Gerland of Girgenti. The use of Rouen was employed in Sicily down to the sixteenth century. See La Mantia, *Ordines Iudiciorum Dei nel Missale gallicano del XII° secolo nella cattedrale di Palermo* (Palermo, 1892), p. 4; and the manuscripts of Norman origin in Madrid described by Delisle in the *Journal des Savants*, 1908, pp. 43-9; and by Young, in *Publications of the Modern Language Association of America*, xxiv. 325. On the importation of canonistic material from the north, see Besta, 'Di una collezione canonistica palermitana,' in *Circolo giuridico*, xl. (1909); and Niese, *Die Gesetzgebung der normannischen Dynastie im Regnum Siciliae* (Halle, 1910), pp. 46-9, 73-6, 80, 93 f., 113 f., 185 f.

¹⁷ Eadmer, p. 96.

¹⁸ *Catal. Codd. hagiogr. Paris.*, ii. 422; *Materials for the Hist. of Thomas Becket*, ii. 97; *Thomas Saga*, ii. 94, 284; *Gesta Abbatum S. Albani*, i. 194 f.

¹⁹ Pirro, *Sicilia sacra* (ed. 1733), i. 620; *infra*, p. 492.

²⁰ This seems to me likely, not so much because of Pirro's statement (i. 86-8), but because the name Fescan (Cusa, *I Diplomi greci ed arabi di Sicilia*, i. 17, 27) is the contemporary form for Fécamp.

²¹ Palermo, Biblioteca comunale. MS. Qq. H. 6, f. 7, printed incorrectly by

and Richard of Hereford and William of Caen (?) among those of Palermo in 1158.²² Under William the Good four prelates of English origin are known: Richard Palmer, bishop of Syracuse and archbishop of Messina, Walter, archbishop of Palermo, and his brother Bartholomew, bishop of Girgenti,²³ and Herbert of Middlesex, archbishop of Compsa.²⁴ Doubtless, if our sources of information were fuller, other names could be added to this list, for the presence of Englishmen and Normans in the south was due quite as much to royal policy as to other causes.

While King Roger drew to his court men of talent from every land, regardless of speech or faith, yet we are told that he showed a preference for the French, and did not forget the ties which bound him to those of Norman blood.²⁵ Robert of Selby, chancellor during the greater part of the reign, and in war as in peace a trusted agent of the king, was an Englishman by birth and dispensed a lavish hospitality to his fellow countrymen. St. William of York, possibly a kinsman of the king, visited Robert at Palermo when exiled from his see, and John of Salisbury drank the chancellor's heavy wines to his undoing.²⁶ Among the Sicilian prelates whose assiduity at the court scandalized the archbishop of Canterbury,²⁷ those of English origin were pre-eminent. Richard Palmer, *vir litteratissimus et eloquens*,²⁸ occupied a leading position in the *curia* in the later years of William the Bad, and he, with the two other English prelates, Walter Offamil and Bartholomew, were members of the small junto which managed the government during the succeeding reign.²⁹ In the north the archbishop of Rouen and the bishop of Bayeux were relatives of William II,³⁰ while Becket corresponded with Queen Margaret and the principal officers of the court.³¹ Like John of Salisbury, John Belmeis, treasurer of York and bishop of Poitiers, doubtless owed much of his eminence as a linguist to his sojourn in Apulia;³² Simon of Apulia, afterwards dean of York and bishop of Exeter, was *valde carus et familiaris* to Henry II;³³ and if Gervase of Tilbury passed from the English court to service

Gregorio, *Considerazioni sopra la storia di Sicilia*, bk. i, ch. 3, n. 16. Their bishop Walter was also 'francigena' (*Archivio storico siciliano*, xviii. 148).

²² *Documenti per la storia di Sicilia*, first series, i. 20.

²³ On these three consult the index to Chalandon.

²⁴ Ralph of Diceto, ii. 37; Ughelli, vi. 811.

²⁵ Hugo Falcandus, p. 6; Romualdus, in *Mon. Germ. Hist., Scriptores*, xix. 426; Ibn-al-Athir, in Amari, *Biblioteca arabo-sicula*, i. 450.

²⁶ Kehr, *Urkunden*, pp. 49, 75-7, 511. 'Salebia' is, of course, Selby and not Salisbury, as some have supposed.

²⁷ Migne, *Patrologia*, cc. 1461.

²⁸ Hugo Falcandus, p. 63.

²⁹ Chalandon, ii, *passim*.

³⁰ Hugo Falcandus, p. 109; Stubbs, *Lectures on Medieval and Modern History*, p. 149.

³¹ *Materials*, v. 247; vi. 396; vii. 142 f.

³² *Ioannis Saresberiensis Policraticus*, ed. Webb, ii. 271.

³³ Giraldu Cambrensis, iv. 383; cf. *Epp. Cantuarienses*, p. 276.

under William II,³⁴ Peter of Blois, 'the intimate friend' of both kings,³⁵ began his career as tutor of William and *sigillarius* in his chancery.³⁶ The relations of these sovereigns, always friendly, were firmly cemented by the marriage of William to the princess Joanna in 1177, an event which served as the occasion of still closer contact between the courts. Florius de Camerata, a justiciar under three kings, acted as one of the envoys who were sent to fetch the princess, while of the bishops and courtiers who preceded and accompanied her to Palermo John of Norwich and Osbert, clerk of the king's *camera*, are especially noteworthy as officers of the royal administration.³⁷ It is plain that both William the Good and Henry II had ample opportunity of keeping themselves informed regarding contemporary conditions in each other's kingdom, while with respect to the administrative system of King Roger's time, Henry had an ever-ready source of information in a Sicilian official whom he had called to his side, his almoner and confidential adviser, Master Thomas Brown.

As an official both of King Roger and of Henry II, Thomas Brown has a special interest for the student of international relations in the twelfth century, and the influence which has been ascribed to him as a connecting link between the fiscal systems of the two kingdoms³⁸ renders it important to fix as accurately as possible the facts of his biography. Let us begin with the only narrative account, the well-known passage in the *Dialogue on the Exchequer*:³⁹

Magnus hic erat in magni regis Siculi curia consiliis providus et in regis secretis pene precipuus. Surrexit interea rex novus qui ignorabat illum, qui prava habens latera patrem persequabatur in suis. Compulsus est igitur vir iste, mutatis rebus prosperis, vite sue consulere, et licet pateret ei cum summo honore accessus ad regna plurima, tamen frequenter vocatus ab illustri rege Anglorum Henrico, cum fama veritate ipsa minor est, preelegit ad natale solum et successorium ac singularem dominum suum accedere. Susceptus igitur ab ipso sicut utrumque decuit, quia apud Siculum magnis intenderat, hic etiam ad magna deputatur scaccarii negotia. Sic igitur et locum et dignitatis officium adeptus est, ad quolibet etiam scaccarii magna negotia cum magnis assumitur.

³⁴ *Mon. Germ. Hist.*, SS., xxvii. 385; Pauli, in *Nachrichten* of the Göttingen Gesellschaft der Wissenschaften, 1882, pp. 313-15.

³⁵ Stubbs, introduction to Roger of Hoveden, ii, p. xcii.

³⁶ *Epp.* 10, 46, 66, 72, 90, 93, 116, 131, in Migne, ccvii.

³⁷ Chalandon, ii. 367 f., 376-8; Ramsay, *Angevin Empire*, p. 193; and the sources there cited. Careful copies of the marriage settlement are given by Roger of Hoveden, ii. 95; Benedict of Peterborough, i. 169; Gervase of Canterbury, i. 263: see also Robert of Torigny, ed. Delisle, ii. 75; and Martène and Durand, *Veterum Scriptorum Collectio*, i. 902, from MS. Vat. Reg. 980, f. 17.

³⁸ Stubbs, *Constitutional History*, i. 408; Pauli, 'Magister Thomas Brunus,' in *Nachrichten* of the Göttingen Gesellschaft, 1878, pp. 523-40; Hartwig and Amari, in *Memorie dei Lincei*, third series, ii. 409-38; Caspar, *Roger II*, pp. 317 f.

³⁹ Lib. i. c. 6 (pp. 84 f., ed. Oxford, 1902).

First of all, then, Thomas Brown was born in England, and inasmuch as he had reached a position of responsibility in 1143, if not in 1137, the date of his birth cannot have been later than 1120, nor, as he was in active service when the *Dialogus* was written in 1178-9, can it have been many years earlier. He probably belonged to a family of king's clerks of this name, being possibly the son or nephew of William Brown, clerk of Henry I,⁴⁰ a fact of some importance, if it can be established, as it would imply some youthful acquaintance with the workings of Anglo-Norman administration. He is first mentioned 25 August 1137, when a charter of Roger for Monte Vergine is given at Palermo *per manum magistri Thome capellani regis*.⁴¹ The same sub-

⁴⁰ *Ante*, xxiv. 227. I use the form Brown in accordance with the general practice of English writers, although the contemporary records have Le Brun.

⁴¹ The question of the date of Thomas Brown's first appearance in Sicily turns upon the authenticity of this charter, which has been attacked by Chalandon (*Moyen Age*, xvi. 304-6: cf. *Mélanges de l'École de Rome*, xx. 180; and *Domination normande*, ii. 105 n.) as a forgery based upon a false charter of 24 November 1140, likewise purporting to come from Thomas's hand. An examination of the supposed originals in the Archivio dello Stato at Naples (Fondo Monte Vergine, viii. nos. 8, 11; the unsatisfactory early editions are indicated in Caspar's *Regesten*, nos. 116, 135; a careful edition of no. 8 by Garufi, in *Atti dell' Accademia di Palermo*, third series, vii. 29-31, where, however, 'Panormi' is omitted in the date and the second of the Greek subscriptions is left out) shows indisputably that, on the contrary, the charter of 1140 (no. 11) is based on that of 1137 (no. 8). Not only has the scribe of no. 11 committed numerous errors in copying (as 'Rog' for 'Regis' in the last line) and made a bad job of the two *rotæ*, but by turning a long C into an S and shifting a loosely placed sign of abbreviation, he has converted the well-known 'Malcovenât' of no. 8 into a meaningless 'Malso venat', a blunder which shows that he must have had no. 8 actually before him. The same clumsiness appears in the substance of the document. The well-developed introductory and final clauses, which are entirely appropriate to the more general privileges conferred in no. 8, are quite out of harmony with the mere grant of 'ecclesiam sancte Marie de Buffiniana' in no. 11, and the substitution of this phrase for the 'ecclesie sancte Marie Montis Virginis' of no. 8 is done so badly that no pains have been taken to make a proper construction with the datives ('et tibi tuisque successoribus') which follow in both documents. Contrary to Chalandon's statement, the witnesses of the two documents are not the same, for the scribe of no. 11, though copying the signatures in a single hand, omits the two Greek subscriptions in no. 8, doubtless because he could not read them, and fails to note that, in changing the date from 8 kal. Sept. to 8 kal. Dec., he has thrown the indiction out by a year.

Against the authenticity of no. 8 Chalandon declares that 'cet acte ne présente aucun des caractères extérieurs des diplômes de Roger', and he urges particularly the 'painfully imitative' character of the hand, the curious punctuation between the words of the first and last lines, and the letters used in the *rotæ*. As a matter of fact, both the parchment and the general form of the charter correspond to those used in Roger's chancery, as Garufi (*loc. cit.*, p. 5) has pointed out, and the *rotæ* are in remarkably close agreement with those in the only other document of Roger which has come down to us with two *rotæ*, the foundation charter of the Cappella Palatina in 1140, where likewise both are in red (Garofalo, *Tabularium regiae ac imperialis Capellæ*, p. 11, and facsimile). The parallelism between these two documents, as Kehr (pp. 143f., 244, 257) and Garufi have observed, is very close in other respects, such as the invocation, the final clauses, and the new arrangement of the date, so that it is quite probable that they were the work of the same dictator. The exceptional position of the preamble and the form 'Nos Rogerinus', to which Chalandon

scription appears in two royal documents of 1143,⁴² and it has been suggested that he composed the foundation charter of the Cappella Palatina in April 1140.⁴³ The existence of certain anomalies in this group of documents, while serving to strengthen rather than to impair their authenticity, would seem to indicate the hand of one not deeply versed in the practice of the Sicilian chancery.⁴⁴ The fact, if we can trust the Monte Vergine charter, that Thomas makes his appearance in Sicily the same year that his fellow countryman, Robert, became chancellor, tempts the conjecture that they came to Sicily together, and renders it likely that Thomas was in some way the protégé of the chancellor, who seems to have relinquished to him the title of chaplain previously associated with the chancellorship.⁴⁵ The youth of

calls attention, should not surprise us when they come from the hand of one new to the uses of the Sicilian chancery. Whether the royal style here used ('rex Sicilie ducatus Apulie et principatus Capue') was introduced in 1136 (Kehr) or in 1139 (Chalandon, Caspar) is a matter which cannot be definitely settled in the absence of other originals from the intervening years, although the probabilities favour 1139, when this title was formally conferred by the pope. The substance of the charter does not excite suspicion. That King Roger issued a general privilege for Monte Vergine in the lifetime of its founder William, who died in 1142, is altogether likely from what we know of the relations of the two men (*Acta Sanctorum*, June. v. 126 ff.) and of the extensive grants of exemption made by the bishops of Avellino in 1126 and 1133 (originals in Fondo Monte Vergine, i. nos. 1, 3); Roger was in Sicily in the summer of 1137, and in the absence of the chancellor at Salerno (Caspar, pp. 201 f., 208 f.) the formulation of the new charter might well have been left to the young chaplain. The most serious difficulty has been raised by Di Meo (*Annali del Regno di Napoli*, x. 82) and Caspar (no. 135), namely, the appearance among the witnesses of William as prince of Taranto; for he could hardly have succeeded to this dignity before the death of his brother Tancred, and if we can believe Romualdus, Tancred was with his father in the autumn of that year, in which case his death, which fell on 16 March, could not have occurred before 1138 (Caspar, p. 428). All things considered, I believe the charter to be authentic but probably not original, having been copied shortly after 1137 and brought up to date by the insertion of William's name in place of Tancred's and, possibly, by the use of the new royal style, a matter to which the king evidently attached importance. The view that the existing document is a copy is supported by the two Greek signatures, particularly that of George of Antioch, which, while closely resembling that in the foundation charter of the Cappella Palatina, has the appearance of having been sketched rather than written (cf. Zuretti's opinion in Garufi, p. 31). At the same time the parchment, the general form of the charter, and especially the detail of the *rotæ* point to the conclusion that the copy was made, or at least authenticated, in the royal chancery. It should be added that no use was made of the charter of 1137 in fabricating the charter of William II of 3 March 1170, of which the pretended original is in the same Fondo (viii. no. 18).

⁴² Charters of May and July for the bishop of Messina and Troina; Caspar, nos. 154, 156. The charter of 1144 (*Documenti stor. sic.*, i. 1, p. 12) in which he is called 'nostro familiari' is a forgery; Kehr, pp. 321-3.

⁴³ Garufi, *loc. cit.*, p. 13. Niese, however (*Gesetzgebung*, pp. 95 f.), maintains on the ground of stylistic resemblances that the dictator of this charter was the author of the so-called Vatican assizes of the same year. In the case of one of the phrases upon which Niese insists, the language of the charter of 1137 for Monte Vergine ('pro nobis et regni nostri statu') comes nearer that of the preamble to the assizes than does the charter of 1140.

⁴⁴ Compare the irregularities in the charter for Monte Cassino written by Robert of Selby; Kehr, p. 77.

⁴⁵ Kehr, p. 71; Caspar, p. 302.

Thomas also speaks for this view, as the employment of so young a man would be more natural if he were under the direction of an older sponsor. He was, however, no mere chancery clerk. In 1143 *μάστρο θωμά τοῦ βρούνου* is mentioned well up on the list of the members of the royal *curia* who decide a boundary dispute affecting the bishop of Messina,⁴⁶ and in 1147, at Salerno, he appears after the chancellor in the body of ecclesiastical dignitaries who, at the king's command, decide a controversy between the sees of Melfi and Ravello.⁴⁷ In December 1149 we find him, as Kaid Brûn, in still another branch of the government, the *diwan*, where, with the secretary Othman, he attaches his '*alama*' to a transcript from the records of the bureau,⁴⁸ and his title of master probably indicates that he was one of the high officials of this department.⁴⁹ Certainly Master Thomas was an important and trusted officer of the royal administration, and if the documents do not fully establish that he was *in regis secretis pene precipuus*, it was quite natural for one writing at the court of Henry II to assume that he who stood next to the chancellor was 'almost first' in the king's counsels.

After 1149 comes a period of ten years during which we lose close track of Thomas Brown. According to the author of the *Dialogus*, he remained in the service of the Sicilian king until the accession of William the Bad caused him to flee for his life. This statement has been questioned,⁵⁰ on the ground that the new king continued his father's advisers, but we must remember that Robert had ceased to be chancellor before Roger's death, and his successor, the emir of emirs Maio, may well have taken advantage of his ascendancy over the new king to get rid of his protégé. The 'many kingdoms' which vied with one another to secure Thomas's services may well be taken with some allowance, but there is no reason to doubt the fact of a personal invitation from Henry II, who had an eye quite equal to King Roger's for men of talent.⁵¹ Thomas probably reached England by 1158, when he is mentioned in the Pipe Roll as the uncle of a certain

⁴⁶ Caspar, no. 156, printed in Cusa, i. 312.

⁴⁷ Caspar, no. 211, printed from the original by Kehr, p. 427.

⁴⁸ Caspar, no. 218, printed from the Arabic original by Cusa, i. 28.

⁴⁹ We shall find later on *magistri duane* in William II's reign. Garufi (*Archivio storico italiano*, fifth series, xxvii. 235, 237, 239, 252) interprets the title 'kaid' as meaning one who was over the local collectors of tribute, but the word is applied to a variety of officers, including the *magistri duane* (see Amari, *Storia dei Musulmani*, iii. 260 ff.). The use of the phrase 'in regis secretis' in the *Dialogus* may be a reminiscence of the *duana de secretis*, of which the author had doubtless heard Thomas Brown speak in describing his former glory.

⁵⁰ Chalandon, ii. 173. The suggestion that Thomas may have left Sicily because he was compromised in the intrigues which centred about Maio overlooks the fact that he was probably in England by 1158.

⁵¹ Henry offered an important place to Richard Palmer if he would return to England: Peter of Blois, *Ep.* 46.

Ralph who received a livery of 4d. a day from the farm of Herefordshire, and 'he is probably the "Thomas clericus" who received a palfrey out of the farm of London' in the same year.⁵² From 1160 to 1180 he had 5d. a day from the farm of Hereford, and, though it cannot be followed in the Pipe Rolls, he seems to have had another livery of 2s. a day,⁵³ an amount equal to that of the *magister scriptorii* in the *Constitutio domus regis*.⁵⁴ He held a house and lands in Winchester, possibly inherited from William Brown,⁵⁵ as well as four houses outside Hereford and, possibly, a piece of land at Grainville, in the pays de Caux.⁵⁶ These houses and lands escheated to the king in 1180,⁵⁷ and as the livery in Herefordshire is not paid after the first half of this year, we may place Thomas's death between Easter and Michaelmas, 1180.

The duties which Master Thomas performed in the service of Henry II are only partially known, although the substantial wages which he received in 1160 indicate that from the outset his position was one of importance. It may have been in this year that he received the office of king's almoner, which had become vacant in December 1159,⁵⁸ but not until 1165 does he bear this title in the Pipe Rolls, in which he continues to be so styled until after 1175. In any case, the 5d. a day from the farm of Hereford cannot have been connected with this office, for it was paid until Thomas's death, whereas Roger the Templar had been made almoner in June 1177;⁵⁹ nor, for the same chronological reason, could the office of almoner have been in

⁵² See the note in the Oxford edition of the *Dialogus* (p. 173); and compare the *Pipe Roll* for 4 Henry II, pp. 112, 144, and for 5 Henry II, p. 49. As Ralph receives his livery for the whole of 4 Henry II, his appointment dates from 1157.

⁵³ In 6 Henry II (*Pipe Roll*, pp. 10, 45) he had £37 14s. in Essex and Hertfordshire and 100s. in Lincolnshire, and in the fourteenth year (*Pipe Roll*, p. 92; Madox, ii. 376) he had in Chester 'ix. l. de liberatione sua de quarta parte anni'.

⁵⁴ *Red Book of the Exchequer*, iii. 807.

⁵⁵ *Liber Winton.*, ff. 3 b, 12 b.

⁵⁶ For the land in Winchester see *Pipe Roll*, 26 Henry II, p. 136; *Pipe Roll*, 1 Richard I, p. 205. *Rot. Canc.*, 3 John, p. 244; *Testa de Nevill*, p. 236a. For the houses near Hereford see *Pipe Roll*, 15 Henry II, p. 140; 20 Henry II, p. 122; 1 Richard I, p. 142; after a gap in 27 Henry II, these are regularly accounted for in the subsequent rolls of this reign. That the land 'cuiusdam elemosinarii regis' in Grainville-la-Teinturière (Stapleton, *Magni Rotuli*, i. 60, 157; ii. 432) had belonged to the almoner Thomas Brown seems to me altogether likely from the fact that, while it pays its full rent of 5s. in 1195 and 1198, it yields only half a year's rent in 1180, the year of Thomas's death, when it would have come into the king's hands after Easter.

⁵⁷ 'lxxviii. de dimidio anno' (*Pipe Roll*, 26 Henry II, p. 115), in the midst of a full year's account, whereas in 19 Henry II (*Pipe Roll*, p. 39), the other items are likewise for a half-year only. There is no corresponding livery in the later Pipe Rolls of the reign. He seems to have failed in a warranty in 1179-80: 'vic. reddit computum de i. m. de warancio Tome Bruni' (*Pipe Roll*, p. 154, London and Middlesex).

⁵⁸ On the elevation of Archdeacon Froger to the bishopric of Séz: Delisle, *Recueil des Actes de Henri II*, intr., p. 368.

⁵⁹ Benedict of Peterborough, i. 160. Delisle, by a slip, places this in 1178 (*ibid.* p. 451).

anywise connected with the functions at the exchequer which are assigned to Thomas, in 1178-9, in the *Dialogus*.⁶⁰ The position of 'no mean authority' which is here described has no specific title; it was specially created for Thomas Brown (*ex novella constitutione*), and seems to have perished with him, although his duties closely resemble those later performed by the king's remembrancer. He has a seat at the exchequer table, and with the assistance of two clerks keeps a watch on all proceedings in the upper and lower exchequers. Contrary to previous practice, a third roll is kept by him as a check on the rolls of the treasurer and chancellor, and this roll, doubtless intended for the private information of the king, Thomas carries about with him wherever he goes.⁶¹ All this implies that Thomas Brown enjoyed to a high degree the personal and official confidence of Henry II. He does not, however, appear to have travelled about with the king, for neither in Eytton nor in Delisle does he appear as a witness to royal charters.

II

If, with such evidence of constant intercourse between England and Sicily in mind, we turn to examine the principal departments of government in the Sicilian state, it is in the chancery, with Englishmen like Robert of Selby, Richard Palmer, and Walter Offamil in its service, that we are tempted first of all to look for signs of Anglo-Norman influence; yet nowhere are relations between the two countries less apparent. The Norman dukes and counts of the south used the minuscule writing imported from France, but they modelled their Latin acts upon those of the Lombard principalities and their Greek charters upon those of Apulia and Calabria, and when an organized chancery was

⁶⁰ 'Porro in capite quarti sedilis quod opponitur iusticiariis residet magister Thomas cognomento Brunus. Huius ad scaccarium non vilis est auctoritas. Magnum enim et validum fidei eius et discretionis est argumentum quod a tam excellentis ingenii principe electus est ut preter antiquam consuetudinem tertium habeat rotulum in quo regni iura regisque secreta conscribat et eundem penes se reservans quocunque voluerit deferat. Habet etiam clericum suum in inferiore scaccario, qui iuxta clericum thesaurarii residens liberam habet facultatem scribendi que recipiuntur et expenduntur in thesauro,' *Dialogus*, i. c. 6; cf. c. 5 (Oxford edition, pp. 84, 70 f.).

⁶¹ On these functions see the introduction to the Oxford edition, pp. 26 f. For the reason stated in the text, I cannot agree with the editors that Thomas was still the king's almoner. The Oxford editors, as well as Liebermann (*Einführung*, p. 65) and Stubbs (*Lectures on Medieval and Modern History*, p. 138), appear to me to take too seriously the 'iura regni regisque secreta' of the *Dialogus* as implying something different from a mere copy of the two other rolls. It is expressly stated that they were all collated ('facta omnium trium collatione'), and their contents might easily, in magniloquent phrase, be called 'regni iura regisque secreta'. The point of the passage is, not that the facts in Thomas's roll were more secret than those in the others, but that he has the extraordinary privilege of carrying about with him a record of matters which would otherwise remain in the offices of the treasurer and chancellor as secrets of the administration.

established in the twelfth century, it imitated Byzantine and papal usage, both in its formulae and in such external matters as the employment of the leaden bull and the *rota*.⁶² The Sicilian kingdom is, with the Anglo-Norman, the only government of the twelfth century to make common use of those brief *mandata* or writs, which were still rare in France and Germany and which constitute the surest index of the efficiency of a medieval administrative system; but here again the papal type was followed. The expository formulae and the date are similar to those of the papal letters,⁶³ and the salutation *salutem et dilectionem*, instead of the simple *salutem* of the English writ or the *gratiam suam et bonam voluntatem* of the imperial letters,⁶⁴ is an obvious imitation of the familiar *salutem et apostolicam benedictionem* of the popes. The bureaucratic character of the Sicilian government is further illustrated by a type of document which in England does not seem to have been differentiated in form from the king's writ,⁶⁵ namely, the mandates issued by the officers of the royal administration. Curiously enough, doubtless because no originals and few copies have so far been found, these documents have not been made the object of a diplomatic examination, nor has their importance been sufficiently emphasized for the study of the workings of the administrative system. The following may serve as examples:

(1) . . . Nos Guillelmus Ruffus regius camerarius Terre Laboris per manus domini Rogerii venerabilis abbatis sancti Severini de Neapoli recepi litteras dominorum curie continentes ita: Gualterius Dei gratia Panormitanus archiepiscopus, Matheus domini regis vicecancellarius, et Riccardus eadem gratia Siracusanus episcopus regii familiares camerario Terre Laboris amico suo salutem et amorem. Venerabilis abbas sancti Severini de Neapoli presencium lator veniens Panormum exposuit et conquestus est regie curie dicens quod baiuli Aversie et Summe contra privilegia ipsius monasterii indebita vexacione molestant quoddam tenimentum quod idem monasterium habet in [Aver]sane et quandam silvam quam dicit se habere apud Summam. Quare mandamus studio tuo et precipimus quatinus hoc studiosius videas et inquiras, et si constiterit prephatos baiulos tenimentum ipsum et silvam contra privilegia monasterii indebita vexacione gravare, taliter eos ab huiusmodi vexacione compescas ut idem abbas ulterius super hoc adversus ipsos baiulos iustam non possit

⁶² Kehr, pp. ix, 96, 164, 194; Bresslau, *Urkundenlehre*, i. 935; Chalandon, in *Mélanges de l'École de Rome*, xx. 194-7; Garufi, *I Documenti inediti dell' Epoca normanna in Sicilia* (*Documenti per la Storia di Sicilia*, xviii), pp. xxxix f., 289, 293 f.

⁶³ Kehr, pp. 235-7 (cf. p. 129, n. 4); Garufi, *Documenti*, xxxvi-xxxix. Chalandon (*loc. cit.*, pp. 153, 186 f.) is vague on the *mandata* and gives no references.

⁶⁴ This is the form in use from Lothair's time: Erben, in *Neues Archiv*, xx. 360-3. It is found in an inserted *mandatum* of William II in 1175, Gattola, *Accessiones*, i. 265; and in a letter patent of 1172, *Arch. stor. sic.*, xxiii. 149. Cf. Kehr, p. 256.

⁶⁵ e.g. Round, *Ancient Charters*, nos. 22, 58; writ of Nigel of Ely as baron of the exchequer in Cotton MS. Nero, C. 3, f. 181.

movere querelam. Datum Panormi .xvii^o. die mensis martii indictionis .xv^o.⁶⁶ . . .

(2) ✠ In nomine domini Dei eterni et salvatoris nostri Iesu Christi, anno ab incarnatione eius millesimo centesimo septuagesimo octavo et tercio decimo anno regni domini nostri Guilielmi Sicilie et Ytalie gloriosissimi regis, mense madii undecima indictione. Dum dominus Romoal[dus] Marchisanus apud Sarnum in curia loco et vice domini Mathei fratris sui strat[igoti] Nucerie et Sarni residenti essemus (?) nos Palmerius et Enricus iudices, per ipsum strat[igotum] ostense sunt littere quas a domino amirato receperat viridis cere suo sigillo impresse que continebant: Gual[erius] de Moac regii fortunati stolii amiratus et magister regie duane de secretis et duane baronum Romoaldo Marchisano baiulo Sarni amico suo salutem et amorem. Latores presencium Fuscandina et Oddolina de Sarno ad nos venientes nobis conquiste sunt de Iohanne Cicero iam baiulo Sarni secundum quod continetur in cartula clamoris sui quam tibi intus in hanc nostram cartam mittimus sigillatam. . . Quare mandamus tibi et firmiter precipimus quatinus his nostris visis litteris tantam et talem iusticiam sibi fieri facias quod pro recti penuria de cetero iuste conqueri non valeant nec sit eis opus pro hac causa ad regiam curiam fatigare. Data Salerni sexto die mensis madii undecime indictionis.⁶⁷ . . .

(3) . . . Qui videlicet prepositus pro parte ipsius monasterii superscripto camerario quasdam litteras cereo viridis (*sic*) sigillo sigillatas et sibi delegatas a domino Roberto egregio Casertano comite magno comestabulo et magistro iusticiario tocius Apulie et Terre Laboris exhibuit, que in eadem curia a Iacobo notario ipsius camerarii lecte sunt et recitate. Erat enim continentia talis: Robertus Dei et regia gratia Casertanus comes magnus comestabulus et magister iusticiarius tocius Apulie et Terre Laboris Guilielmo Buarumil[io] regio camerario amico suo salutem et amorem. Nos multociens misimus tibi precipiendo ut res et terras de Cava in pace manere permitteres, quod minime facere velis. Quare tibi mandamus et ex regia parte firmiter precipimus quatinus starzam quam habet in tenimento Sarni et molina de quibus ecclesia Cavensis habet rationes suas in pace et sine molestia permittas, ut ulterius inde nullum audiamus clamorem, et sicut continetur in instrumentis quas (*sic*) ecclesia Cavensis habet, ita in pace res ecclesie manere sinas.⁶⁸ . . .

(4) Dum Americus Partispalla strat[igotus] Sarni in curia apud Sarnum resideret . . . per ipsum stratigotum ostense sunt littere a domino Alfano Ioncata superscripti domini nostri regis camerario transmissas (*sic*) viridis cere suo sigillo impresse, que continebant: Alfano Ioncata domini regis camerarius Amirico Partispalle strat[igoto] Sarni amico suo salutem et amorem. Notum sit tibi quoniam nos in mandatis recepimus a sancta regia curia ut homines tenimenta que Cavensis ecclesia tenet in camerariatu nostro eidem ecclesie quiete et pacifice tenere permittamus. Et quia ecclesia ipsa in baiulatione Sarni tenet starzam tabellar[iam] et molendina et alias res, mandamus tibi et ex regia parte precipimus quatinus de

⁶⁶ 17 March 1182, inserted in a document of November of the same year: Naples archives, Monasteri soppressi, iii. 253.

⁶⁷ May 1178: Archives of La Cava, xxxvi. 26.

⁶⁸ 1182, month and indiction torn off: Archives of La Cava, xxxviii. 34.

omnibus que Cavensis ecclesia tenet in baiulatione tua Sarni in nullo molestari presumas et cogas homines illos qui iam dictam starzam tabellar[iam] laborant ut domino Petro venerabili Cavensi preposito pro parte predictae Cavensis ecclesie rationem reddant et de cetero per sacramentum eidem Cavensi ecclesie de ipsa starza intendant.⁶⁹ . . .

Here the style and form of dating are the same as in the royal *mandata*, but *amico suo* replaces the *fideli suo* of the king, and as its complement we have *salutem et amorem*.⁷⁰ Moreover, thanks to the notary of Sarno who drew up the acts in which their writs are inserted, we learn that a master justice and a chamberlain, as well as a master of the royal *duana*, had seals of their own, and that whereas the king's seal was of red wax, theirs were of green.⁷¹

The *mandata* of the king and his officers, although exhibiting the greater simplicity which is everywhere characteristic of such documents as compared with the more formal privileges and charters, still lack the brevity and directness of the Anglo-Norman writs, nor have they the precision and fixity of form which the English writs attain in Glanvill, if not under Henry I. Here and there, however, certain phrases remind one forcibly of the contemporary English type. A large number of the judicial writs of Henry I have the familiar ending *ne inde amplius clamorem audiam pro recti penuria*,⁷² where occasionally the last phrase is amplified into *pro penuria recti vel iustitie*⁷³ and, under Henry II, *defectu* is often substituted for *penuria*.⁷⁴ In Glanvill a parallel form is more common, *ne inde oporteat eum amplius conqueri pro defectu iustitie*.⁷⁵ Now in the letter of Walter de Moac printed above we have *quod pro recti penuria de cetero iuste conqueri non valeant*, and a *mandatum* of Roger, summarized in a charter of 1155, has *ut pro recti penuria conqueri non posset*.⁷⁶ In *mandata* of William II we find *pro defectu iustitie*⁷⁷ and *ut ulterius iuste*

⁶⁹ March 1183: Archives of La Cava, xxxix. 13.

⁷⁰ See also Cusa, i. 489; Muratori, *Scriptores*, ii. 2, col. 916. A letter of the chamberlain of the Terra di Lavoro to the officers of Gaeta in 1187 has 'salutem et fraternum amorem': Naples archives, pergamenae di Gaeta, no. 1, printed in Minieri Riccio, *Saggio di Codice diplomatico*, sup., i. 21.

⁷¹ On the use of red wax in royal seals see Kehr, p. 196. One of the few surviving seals of a royal officer, that of the admiral Margaritus of Brindisi, is of green wax: Archives of La Cava, L. 35; cf. Engel, *Numismatique et Sigillographie des Normands de Sicile*, p. 93, no. 37; Garufi, in *Miscellanea Salinas* (Palermo, 1907), pp. 278-81. See also the seal of the vice-chancellor Matthew: Kehr, pp. 24, 198, n. 3.

⁷² See Bigelow, *Placita Anglo-Normannica*, pp. 89, 95, 99, 111, 127, 163, 205-7, 252, 257. For Normandy see ante, xxiv. 213, 218, 221; *Livre noir de Bayeux*, no. 37.

⁷³ Bigelow, pp. 91, 128, 148, 172; cf. 122, 233; ante, xxiv. 221, no. 13.

⁷⁴ Bigelow, 226, 252; Glanvill, i. 17; vi. 5; ix. 14; xii. 3; Delisle, *Henri II*, p. 158 f.

⁷⁵ Glanvill, vi. 18; ix. 9; xii. 5, 10, 12, 13, 16.

⁷⁶ *Codice diplomatico barese*, v. 190.

⁷⁷ Del Giudice, *Codice diplomatico di Carlo d'Angiò*, i. app. lv. Cf. Archives of La Cava, xxxix. 34, printed below, n. 136.

conqueri non possit,⁷⁸ as well as the older formula *ut exinde amplius iuste clamorem non audiamus*.⁷⁹ There is, of course, nothing remarkable in the substance of this clause, which, though foreign to the papal letters' close,⁸⁰ occurs in imperial mandates⁸¹ and may perhaps go back to the Frankish *indculus*; ⁸² but the appearance of the same characteristic phraseology in England and Sicily, and not elsewhere, indicates some relation between the two chanceries. The assumption of a Frankish origin for these phrases would require some means by which the Frankish form could have independently influenced the Sicilian, and it is much more likely that the English formulae, which were well defined at the beginning of the twelfth century, were introduced into the Sicilian chancery by some clerk to whom they were familiar. Beyond this suggestion it is not safe to go with the small amount of Sicilian evidence at present available, and the whole subject will be clearer when some one has prepared the genetic study of *mandata* and similar documents, which is one of the most needed contributions to comparative diplomatics.

C. H. HASKINS.

⁷⁸ Del Giudice, p. li; Muratori, ii. 2, col. 1015 (these *mandata* are printed as of Adrian IV, but it is plain in the manuscript of the Bibl. Nat., MS. Lat. 5411, f. 271, that they are royal, like those which precede); Gattola, *Accessiones*, i. 263. Cf. Del Giudice, p. liv ('*amplius inde curie nostre querimoniam non deponant*'); Muratori, ii. 2, col. 913; *Cod. barese*, v. 232.

⁷⁹ *Mandatum* of 1172 addressed to Richard de Say, count of Gravina, and Robert, count of Caserta, inserted in act of September 1173: Archives of Monte Cassino, caps. 101, no. 61. Compare a *mandatum* of 1183 addressed to Tancred as justiciar: '*inde fieri facias ut ulterius curia nostra iustum inde clamorem non audiat*,' and '*ut de cetero super hoc idem abbas iuste conqueri nequeat*' (*Quellen und Forschungen des preussischen Instituts*, ix. 245); and '*ita ut de cetero super hoc iuste clamorem non audiamus*' (*mandatum* of 8 November 1174 directed 'Matheo Iuncatello camerario Terre Laboris', in archives of Monte Cassino, caps. 117, fasc. 5, no. 50).

⁸⁰ See the originals discovered and published by P. Kehr in the *Nachrichten* of the Göttingen Gesellschaft from 1896 onwards; e. g. 1899, pp. 226, 232, 270; 1901, p. 152; 1903, p. 572. Note, however (*ibid.*, 1900, p. 49), '*ita quod propter hoc non cogatur ulterius ad nos redire*'; and the common clause forbidding appeal.

⁸¹ e. g. from Frederick I: '*ne deinceps super hoc querimonia ad nostre magnitudinis excellentiam perveniat*' (Jaffé, *Monumenta Corbeiensia*, p. 604); '*ne de cetero ulla querela de hoc negotio ad nos perveniat*' (Stumpf, *Reichskanzler*, iii. 540).

⁸² Brunner, *Schwurgerichte*, pp. 80-2; Hübner, *Gerichtsurkunden*, nos. 701, 716.

(To be continued.)

Reginald Pecock

I

THE interest which belongs to any interesting man lies not only in himself, but in his relation to the thought of his own time. And the more he differs from it, the more interesting does he become. He assumes by right that place of prominence and importance that can always be claimed by men of original mind. It is this which constitutes for the student a great measure of the attraction of Reginald Pecock. He lived in the fifteenth century, but in many respects he was not of it. In an age when intellectual forces moved slowly, and frequently were still, he not only thought, but thought for himself. He ventured upon the road of independence and unconventionalism. This was never more dangerous than in the fifteenth century. He set out to attack contemporary unorthodoxy, and was himself ejected from his see on the charge of heresy. The main features of his life and work have long since been presented to the English reader. A meritorious career at Oxford, the development of talent as a theological writer, court patronage which led in succession to the bishoprics of St. Asaph and Chichester—this is, in brief, the statement of his success. Opposition excited by the independence of a vigorous mind, though partly roused by his conceit and some indiscreetness of speech, a series of trials before his brother bishops, the offer of a choice to recant or be burned, his acceptance of the former, the burning of his books in 1459, an ignominious end in the abbey of Thorney—these make up the rest of the story. Fortunately copies of some of the burnt books were preserved.

Our aim is to examine his relation to the life and thought of the church in the times in which he lived. In common with the majority of interesting personalities, he displays paradox and apparent contradiction. Pecock was at once a product of his own day and the child of a later generation. In the same breath he speaks with the tongue of the fifteenth century and utters words which are too modern even for some people who live in the twentieth. It is his more conservative temper which is specially noticeable when he deals with the moral condition of the church. That abuses existed in abundance is beyond all

question. The church of England was no exception to the prevailing state of things, and for long years men had been lifting up their voices in denunciation and despair. Chief among these, in the century with which we are concerned, was Thomas Gascoigne (1403-58), chancellor of the university of Oxford. His account of church life in his time—and this is accessible to the student¹—is one of the gloomiest utterances ever penned. Were we left to Gascoigne alone for our information, we might very naturally conclude that he had overdone his case; that he was a person of morose temperament, whose capacity for seeing good had perished in his anxiety to emphasize what is evil. But from other sources we discover that much of his story is true. Some of this confirmation is the more valuable because it comes from quarters where an over-statement of moral evil would scarcely be likely.

One of these is Thomas Netter of Walden, who, good and upright man though he was, was more concerned with the harm wrought upon the church by heresy without than by moral evil within. Yet his great controversial work² does not lack some very strong and direct references to sins within the fold, references that could scarcely have added to his popularity. Thus, while we find him insisting that more importance is to be paid to the doctrine than to the life of the clergy,³ and that the people must not judge those who are set over them in the Lord, he himself does not hesitate to speak very freely of the lives of his brethren. He denounces the modern prelates and priests 'who have sold the things of the church for power or for themselves'. He notes various points of resemblance between the priest and the soldier. They are alike in that they hoard treasures, that they persecute the poor, that they are clothed in soft raiment, that they have large families, that they glitter with gold, that they drink in golden cups. They surpass the 'Pharisees' (*sic*) in their audacity, for these would not take the forty pieces of silver because they were the price of blood; but the modern priests have no such compunction, they take money which should be for the use of the poor or for the burials of pilgrims and say 'it is the price of my altar'.⁴ In another place he recalls the days when monks worked with their own hands, and bids the successors of these mark how they have degenerated in this respect. And in a dialogue between a regular and a secular he uses St. Paul's simile of the body and its members to draw attention to the rivalry and jealousy that divided the various sections of the clergy.

¹ Gascoigne, *Loci e Libro Veritatum*, ed. J. E. T. Rogers, 1881.

² *Doctrinale Fidei Catholicae contra Wiclefistas et Hussitas*, Venice, 1571.

³ *Doctrinale*, tom. i, lib. ii, c. lxvi.

⁴ *Ibid.*

Another testimony of like nature is to be found in a commission appointed by Archbishop Bouchier in 1455 for reforming the clergy.⁵ On the same lines, though very much longer, is a statement of the abuses in the church, which was sent by the university of Oxford to King Henry V in 1414.⁶

From various sources, then, the testimony comes to us that the need for church reform was great and urgent. But what was Pecock's attitude to this question? Certainly it was not that of a reformer. Indeed, it is difficult to think that the abuses of his day weighed heavily upon his soul. He admits, it is true, the presence of tares among the wheat, and urges that the remedy is to be found in the appointment of better and more learned men. The following passage is an instance :

Lete oonli good men and weel proued men in vertues be takun in to preesthode and into prelacie, wherynne ben riche possessiouns; and without dout miche more good schal come bi the hauyng of the riche possessiouns than schulde come if thei were not had. But alle the cause, whi yuel cometh fro and bi the riche possessiouns had in prelacie, is for that vertuose men and weel proued men in leernyng and in lyuyng ben not chosen and takun into prelacies; but sumwhile children, sumwhile men wantounli brought vp in court, sumwhile vnlearned men for her greet blood and her high birthe; yhe, into the dampnacioun of hem which so chesen and takun, as it is ful miche to drede. Let therefore this that is very cause of the yuel be take away and let it abie [suffer punishment] which is gilty.⁷

At the same time such utterances are more than balanced by others, which show that he was more concerned to minimize the abuses of the time than to take them with due seriousness. He shows, for instance, a greater readiness to excuse vicious prelates on the ground that they are only human, and that the charges brought against them are exaggerations, than to recognize the occasions of stumbling that were being caused by the low moral standards of prominent churchmen. That this is a fair estimate will be seen from the following quotation :

As to this, that the holders of the iiij^e opinioun deemen prelati of the Chirche forto be mys lyuers and trespassers agens Goddis lawe, weel y wote that in summe thingis prelati synnen and amys doon. For though thei ben prelati in the Chirche, thei ben men and not pure aungels, and therefore thei ben suche, and muste needis ben suche, that han the natural temptatyue wrecchidnessis whiche other men han. And weel y wote herwith, that in sum thingis thei ben jugid to be more gilty than thei ben, and also in summe thingis thei ben jugid to be gilty whanne thei

⁵ Wilkins's *Concilia*, iii. 573; translated in Gee and Hardy's *Documents illustrative of English Church History*, p. 141.

⁶ Wilkins's *Concilia*, iii. 360-5.

⁷ *Repressor of overmuch Blaming of the Clergy*, p. 331, ed. C. Babington, 1860.

not gilty ben, as the same jugers schulden weel wite, if thei were homeli with the same prelatis, and weren priuey to the same gouernauncis and to alle the causis and motyues and circumstauncis of the same gouernauncis whiche thei blamen.⁸

The same spirit is apparent when he comes to the question of the possessions of the church. He quite recognizes that the clergy must not employ the wealth entrusted to them in ways that are clearly wrong, e.g.,

Yit I feele not thus that the clerkis ben free therbi forto expende tho godis in eny point agens right doom of resoun in pride or in glotenye or in lecherie or in waast, and ben not worthi blame of God.⁹

But a self-evident statement of this sort does not remove our conviction that Pecock was entirely out of touch with the tone and temper of a true reformer. Beyond his reference to better clerical appointments, he did not suggest any improvement in the system and machinery of ecclesiastical life. On the contrary, he seemed anxious to indicate that changes would be for the worse rather than the better. It is easy enough to go with him when he points out, with excellent common sense, the unwisdom of allowing the clergy to depend for temporal sustenance upon their people—

It were neuere wijs polici and reule that the reulers lijflode schulde kange upon her wittis and willis whiche schulde be bi him reulid or conceild or detectid—

and to feel that such a view made for the strength of the church as Sir John Fortescue was showing it to make for the strength of the crown,¹⁰ or to acquiesce when he says, in reply to the Lollards, that the Old Testament is no necessary rule for Christian priests in the matter of endowment,¹¹ or that the clergy of his day were not bound to practise the poverty of apostolic times. But the extract which follows reveals him as being far removed from the spirit of moral reformation :

Ferthermore, whanne Poul seith thus : Thei that wollen be maad riche fallen into temptacioun, and into snare of the feend, et caetera ; it is to be vnderstonde that not oon but dyuers it is forto seche and will be mad riche bi wynnyng of the richessis thorough craftis or marchaundisis or other meenys of bisynnessis, and dyuers it is forto receyue richessis mouable or vnmouable redy whanne thei ben profrid. Certis, though the firste maner may not be doon withoute the perels which Seint Poul spekith of here, the iij^e maner may weel ynough be doon without such perels. Yhe, peraenture more perel schal befalle in ouer greet pouerte than in ouer grete richessis so freli profrid and receyued.¹²

⁸ *Repressor*, p. 105.

⁹ *Ibid.* p. 412.

¹⁰ *Governance of England*, pp. 118, 119, ed. C. Plummer, 1885.

¹¹ *Repressor*, p. 281.

¹² *Ibid.* p. 304.

Again, in meeting the application by the Lollards of the words 'By their fruits ye shall know them', he writes :

For answer and assoiling to these semyng skilis and colouris, and first for answer to the first of hem y graunte weel that 'such is the tree which is the fruyt of the tree'; that is to seie, if the fruyt of a tree be badde, the tree is badde; and if the fruyt of a tree is good, the tree is good. Forwhi the tree is not oonli an occasioun of the fruyt, but he is the cause of his fruyt making and wirching into the fruyt that is to be brought forth. But certis so is it not bitwixe riches and the synnes which comen from out and bi tho richessis. For the richessis ben not causis of the synnes, but ben oonli occasiouns of the synnes; and that oonli to the freel and culpable wil of men, which is the verri cause wirching tho synnes. And therefore, bitwixe the hauyng, bi which a tree hath him silf anentis his fruyt, and the hauyng, by which ricches hath him silf anentis the synnes coming fro, out, and bi him, is a great dyuersite. Certis, if the synnes comyng forth and bi ricches weren causid of the riches, and the riches weren cause of the synnes and made the synnes, as the tree makith the fruyt, the now first mad skile and argument schulde procede weel, and schulde proue sufficientli his entent. But sithen it is so, that richessis ben not causis of the vices whiche comen fro and bi hem, but the freel wil of the man which vsith the richessis is the making cause of the synnes, and the riches is not more than an occasioun of hem oonli, therfore the firste argument and skile is not worth.¹³

Again, he questions the utterance of St. Jerome that 'Sithen the Chirche wexid in dignitees or in possessiouns, he decrecid in vertues', and comments :

Certis his tunge was not the key of heuen or of erthe, neither had power to make enything to be trewe or fals, or other wise to be than he couthe fynde bfore it to be trewe or fals in doom of resoun or in Holi Scripture. Whi therfore schulen we ouer miche weie and apprise his seiying ?¹⁴

He argues further from the analogy of London Bridge. London Bridge has been endowed with temporal rents. Yet from the time of its endowment it has tended, and always will tend, to deteriorate. No one would say that this is an argument against the endowment of the bridge. Similarly, because the church has deteriorated since its foundation, as is inevitable, why should this fact be used as an argument for robbing it of its temporalities ?¹⁵ He also compares clerical with lay possessioners to the great credit of the former.¹⁶ And though he admits that the way of poverty is the best, he does not regard it as one which can be followed safely by 'a ful freel man'.¹⁷

He shows a similar temper in what he has to say concerning the religious orders. Once more we find him pleading for the

¹³ *Repressor*, pp. 325, 326.

¹⁵ *Ibid.* p. 338.

¹⁶ *Ibid.* p. 370.

¹⁴ *Ibid.* pp. 334, 335.

¹⁷ *Ibid.* p. 348.

established order of things, with little regard to the abuses that prevailed :

Whanne thou askist of men, ' Whi ben thei so manye dyuerse religiouns in the Chirche, and whi not bi fewer religiouns mai be performed al the good which cometh forth bi so manye religiouns had and vsid in the Chirche ? ' I aske of thee ' Whi in a town which is a thorough faar toward Londoun ben so manye otries clepid innes forto logge gistis, though in fewer of hem alle gestis myghten be loggid ? ' Is not this the cause, for that bi the mo dyuersitees which schulen be had in the more multitude of ynnes the peple schal be the more prouokid and stirid for to logge hem in the ynnes, than if ther were fewer ynnes ? ¹⁸

Here no doubt he begs the question. Much scandal had arisen out of the secular and worldly spirit that had infected the larger religious houses from outside. But Pecock does not observe this. It was a good thing ' that religiose monasteries (namelich of the begging religiouns) han withinne her gatis and cloocis grete, large, wijde, highe and stateli mansiouns for lordis and ladies ther yn to reste, abide, and dwelle '. ¹⁹

Pecock devotes considerable space in *The Repressor* to the defence of pictures, images, and relics. It would seem that in his view the value of these institutions is exoteric. They were good for the ordinary uninitiated crowd, but we can scarcely think that he regarded them as inspiring to himself. He dwells on their utility as an aid to memory, and a consequent stimulus to devotion. Though he recognizes that they are connected with abuses, yet he does not appear to take these very seriously. In some places he speaks of superstitious practices as though they were things of the past, e.g., when he says :

Forwhi idolatrie is neuere doon saue whanne a man takith a creature for his God, and worschipith thilk creature as for his God ; but so doith no man with eny ymage now in Christendoom after that the man is come in yeeris of discrecioun and is passid childhode and which is not a natural fool. ²⁰

Closely connected with all this is his attitude towards miracles. He has much to say in their favour on scriptural and rational grounds. He is very careful to emphasize the distinction between the false and the true in this matter, when he speaks of ' pretense myraclis, and pretense inspiraciouns, and pretense appeeringis of God, or of aungels, withynne forth, and without forth and legendis or lyves of seyntis ', ²¹ and he recognizes that careful discrimination must be made by ' greet and perfight examination '. In this last respect he did not go beyond the orthodox view of his time. Thomas of Walden, e.g., is quite emphatic that inquiry must be

¹⁸ *Repressor*, p. 521.

²⁰ *Ibid.* pp. 148, 149.

¹⁹ *Ibid.* p. 543.

²¹ *Book of Faith*, p. 294, ed. J. L. Morison, 1909.

made into each miracle. Some, in his view, may be false and the work of evil spirits. The test of a miracle is to be found in its tending to increase devotion. Antiquity is also to be regarded as a proof. In any case scrutators of miracles are needed.²² Nevertheless, it is not possible in reading Pecock on miracles to feel that the subject was one specially close to his heart. He does not speak here as a man who was pleading a cause that had come home to himself. His words are mild compared with those of Walden, who says that miracles torture and infuriate heretics, being such certain evidences of the power of God, and that when he hears that Wyclif calls miracles the work of the devil, he can only marvel whether such a man may be a Christian at all. His view of the value of the miraculous is perhaps most completely expressed when he says :—‘ Though y wole not exclude fro sumwhat helping into the grounding of feith myraclis and revelaciounis.’²³ This is, after all, a grudging admission, and one that falls far short of the view that was taken by the church in the time when Pecock lived.

Although we have just observed indications in him of an unorthodox temper, of which subsequently we shall see a great deal more, yet, in his relation to the machinery and the prevailing practices of the church, he was a resolute opponent of change. It seems clear that this was due to the type of person with whom he found himself in opposition. Men are unconsciously influenced by those whom they are called upon to fight. The temper of their adversaries determines the nature of their own attack. And in accepting a battle which is planned out for them by the enemy, they may be led to take up a position which, in the calmness of detached reflection, they would have avoided, if not deplored. It is impossible to disconnect Pecock, the upholder of the *status quo*, from the root-and-branch methods of reform that commended themselves to fifteenth-century reformers. The moral reformer is possessed by a passion for righteousness. He sees evil and he desires good, and he is not careful to examine too closely the methods that are necessary to attain his end. His tendency is to connect and confuse the evil with the system in which it dwells. In his determination to uproot the one he is not careful to spare the other ; indeed, he frequently considers that the only way of safety lies in the demolition of both. This was to a large extent the position of Wyclif, and still more of the Lollards. The kind of reforms which were being advocated were of the very nature to make Pecock set his teeth in defiance, and retire to a position of dogged and unyielding conservatism. In his reaction from methods of violence he became more retrograde than he

²² Walden, *Doctrinale*, tom. iii. cc. cxxiv. and cxxv.

²³ *Book of Faith*, p. 303.

probably realized. It is this natural recoil from existing and distasteful facts which also, perhaps, accounts for his attitude towards the papacy.

Rome probably never found a more zealous and uncompromising advocate. Pecock makes no question as to the contemporary methods of papal government. As in the case of temporal, so also in that of spiritual rulers, those in authority have the right to impose laws and statutes.²⁴ This is a principle forbidden neither by scripture nor by human reason; consequently it must be right.²⁵ Ecclesiastical laws are not to be attacked merely because they are framed by men. If any of such laws be contrary to the law of Christ, this must be proved. The following passage, however, seems to indicate that Pecock did not think the proof would be easy to find :

But forto crie and diffame and bachite in this wise . . . , and yit this diffamer can not assigne and bringe forth eny of thilk lawis which he is, and whi he agens Goddis lawe, is a beestly gouernance, and such a gouernance as y dar weel auowe is agens the lawe of God. And therefore to suche ypocritis, pretending hem to loue the lawe of God y seie thus 'Take out the beam which is in thin owne ige, &c.'²⁶

This position, which ill accords with the spirit of much else in his writings, was due, we believe, to his recoil from what may be described as the summing-up of the ecclesiastical attempts of the fifteenth century, viz. the failure and discredit of the Conciliar movement. Pecock knew what had happened. He knew that the splendid hopes and high ideals that had moved such men as Gerson and D'Ailly at Constance had been succeeded years after by the spectacle of a diminishing body of obstinate men, who refused to cease their deliberations at Basel. He knew that the fathers of Basel had discredited themselves and stultified their position by electing a schismatic pope, although they were the heirs of a movement whose genesis was a determination to rid the church of schism. He knew that out of the storm and stress of years of discussion, which the world would never have known had not the papacy become a scandal to the world, it was the papacy itself that had emerged girt about with a new strength. He had before him such facts, which pointed to the innate strength of an ancient institution and the weakness of that which had claimed to possess a greater authority.²⁷ And over against all this stood men whom his soul abhorred, in the eyes of whom external authority in religion counted for nothing, and who exalted the voice of the individual conscience above that of the catholic church. The pope, the councils, the supremacy

²⁴ *Repressor*, p. 452.

²⁵ *Ibid.* pp. 457, 458.

²⁶ *Ibid.* p. 463.

²⁷ Namely, the claim that councils are above the pope.

of private judgement—these three roads were the only ones that lay open to religious thinkers in those days. Which was Pecock to choose? The third was abhorrent to him, the second had made itself impossible, therefore he was driven to take the first; and because it seemed to him the only way, he took it eagerly, and argued for its safety and extolled its advantages with a zeal and a determination which were less representative of his inner mind than he knew.

II

We have had occasion to dwell on the position into which Pecock was frequently forced by the nature of the opinions he set out to oppose. This fact must be borne in mind in our examination of his views on holy scripture. It will account for the apparent self-contradictions of a great deal of his attitude to the subject, for the rapid and frequent transitions from the episcopal defender of ecclesiastical authority to the independent and unconventional thinker. Without entering here into the relation of the medieval church to the public use of the Bible, it may be said that, while the popular notion of the church clutching at the sacred scriptures so that the faithful laity might not touch them requires considerable modification, it is clear that no countenance was given to the ignorant reading of unauthorized translations.²⁸ The synod of Oxford, held in 1408 under the presidency of Archbishop Arundel, forbade the translation of the Bible 'until such translation shall have been approved and allowed by the diocesan of the place, or (if need be) by the provincial council'. This order was issued in opposition to the claims of the Lollards in this matter. To them the Bible, where it might be had, was the absolute possession of any Christian into whose hands it might fall. The guidance of the Holy Spirit, coupled with a meek and humble heart, was sufficient for its due understanding. Neither learning nor the authority of the catholic church was needed that its hidden truth might be revealed.

Now such a position was to Pecock detestable. He attacked it on the ground of the authority of the church; but his opposition to it was intellectual rather than ecclesiastical. As we follow it in his writings, we feel that while the hands were the hands of a bishop, the voice was the voice of Reginald Pecock. The opinion of the Lollards,

that what euer Cristen man or womman be meke in spirit and willi forto vndirstonde treuli and dewli Holi Scripture, schal without fail and defaut fynde the trewe vndirstonding of Holi Scripture in what euer place he or sche schal rede and studie,²⁹

²⁸ See Gasquet, *The Old English Bible*, ch. iv (1897), and a paper by Dr. F. D. Matthew in this Review for January 1895.

²⁹ *Repressor*, p. 6.

was to Pecoock's mind untrue from first to last. And so we find him insisting on the right of the church, in the person of the clergy, to explain and expound holy writ. This is chiefly contained in his *Book of Faith*, and is not the less interesting because it reveals his complex and self-contradictory mind. In certain passages he makes amazing statements in his claim that the clergy of the church are to be regarded as the teaching authorities. The conscience of the clerical body, at any rate in its more learned members, he seems to regard as necessarily superior to that of the laity :

Thou maist not, for schame of thi silf, putte thi conscience before the consciencis of all the hool clergie, or ellis of the more party, and of the kunnynger parti thereof, namelich sithen to thilk clergie were as looth to erre in conscience as is looth to thee, and also forto defende hem fro errour, namelich in mater of Cristen feith, thei kunnen better than thou kanst forto defende thee; folowith nedis, thou were wood to seie nay that bi like skile, yhe and bi greter cause and skile, standing the clergie, or the more kunnynger party, in conscience of a mater consernyng thee, as in Cristen religioun, thou are bounde forto obei and folowe thilke conscience of the clergie.³⁰

He continues his argument by citing a hypothetical case which could scarcely have carried much weight with his opponents :

Also thus y putte case :—in a large, wyde parisch up lond, be an oold symple husbonde man, to whom a greet famed kunnyng mayster of divinite is curat, and parsoun, and viker. This husbond man is enformed and taught of the seid his famose curat forto bileeve as feith a certeyn article, which in trouthe is heresie. This man hath no motive, neither can fynde cause, whi he schulde walke wyde forto examine whether his curat techith him rightli or no. And therefore this man cleveith to the seid doctrine of his curat, as stiffeli as he doith to eny other article which he hath leernyd of the same curat to be feith. In this case, it is holde of ful good clerkis, by great skilis, that this man is excused in his now seid errour, and not oonli he is excusid but he plesith God.³¹

He is singularly weak when he begs the question, as he does more than once. For instance, he says that the clergy would always be willing to give audience to their objectors 'if thei perceyve such witt in you, and that ye kunnen uttre it to hem, and redeli thanne schal be first tyme to you forto folowe youre owne witt in mater of feith, and forto preferre youre witt bfore the wittis of the clergie'.³² The question suggests itself, would the clergy be likely to have such perception of the wit of their adversaries? And the answer seems tolerably clear if Pecoock in any measure represents his brethren. Further on in the same chapter he says that men ought to obey the church

³⁰ *Book of Faith*, p. 223.

³¹ *Ibid.* pp. 223, 224.

³² *Ibid.* pp. 230, 231.

until such time as they can prove the church to be wrong. More than this the church will not ask. But he does not hold out any hope that such proof will ever be forthcoming. Indeed, in an earlier chapter, he speaks as though no one can ever prove the church to be mistaken :

But so it is that thou, what lay man ever thou be of the seid soort, canst not prove that the chirche errith in the seid maters. . . . If thou seie that thou canst prove, cleerli and undoutabili, that the chirche errith in the seid maters, y ask of thee, to whom canst thou it prove.³³ . . . Wherefore folewith agenward, that if tho evydencis mowe not so moche move othere men, neither the chirche, thou hast not at thi silf such evydencis, bi which thou canst prove at thi silf, and to thi silf, undoutabili and cleerli, thi parti to be trewe which thou holdist contrarie to the chirche, and that the chirche errith in the maters.³⁴

As the church was not likely to be moved by objections, the statement was a fairly safe one to make. There is nothing startlingly unorthodox in all this ; in fact it is quite the other way, and if these passages on the church stood alone, it would scarcely be necessary to examine the relation of Pecock to his generation, for he would not differ from it. But what we have just been considering is closely interwoven with other expressions of opinion which represent an entirely different side of his character. In the same breath in which he maintained the rights of the clergy as a teaching body, he gave utterance to sentiments which the clergy themselves could scarcely have relished. Even when upholding their authority, he is careful, as we have seen, to make it plain that he refers to the more learned of their number, and he is not slow to complain against many of the body who fall short in this respect. 'Alas,' he writes, 'the Cristen clergie laboren not as yitt forto considere clerli what feith is in his owne kinde, and which ben the evydencis wherebi it schulde be proved, and forto dispose tho evydencis in cleer formal maner of silogisme.'³⁵ Again,

Forwhi, if clerkis take not hede, hou and wherbi the articlis of oure Cristen feith owen to be groundid and proved and defendid, such tyme may come, in which adversaries schulen fynde the postis and the pilers of oure feith so unleernyd and nakid, forto meyntene and defende oure feith, and tho adversaries, bi her greet evydencis to be maad withynne the boondis of the kinde pertheyning to feith, and scorn oure feith, and peraventure so it schal be in the tyme of Anticrist to come, for defaute of sad and wel leerned divinis, whiche schulde thanne be and yitt schulen not thanne be.

And that for the clergie schal more labour aboute worldli kunnyng of lawe, and of wyunning, and aboute beneficis and worschipsis, than aboute

³³ *Book of Faith*, p. 196.

³⁴ *Ibid.* p. 199.

³⁵ *Ibid.* p. 131.

the kunnyng of substancial scole of dyvynite, other than myche such as serveth for sermons in pulpit which lay men trowen al to be substancial divinitie.³⁶

When in the prologue of the *Book of Faith* he affirmed that 'no clerk oughte be displesid' ³⁷ with what was to follow, he must surely have had a shrewd suspicion that he was about to stir up a good deal of clerical displeasure. His strong utterances concerning the authority of the church are confronted by a similar modification in his own writings. We have listened to him as he has challenged the Lollards to prove the church to be wrong, with the air of a man who knows that his case is a safe one. But Pecock himself admitted that the church might err, nor would he allow her anything but a very modified jurisdiction in relation to the scriptures. This latter proposition is discussed with great care in all that is left to us of part ii of the *Book of Faith*. In the argument, the son who is represented as the objector, Pecock being the father, raises the question by means of eight propositions as to whether the church is not superior to scripture. Pecock entirely opposes the idea of the supremacy of the church in this relation. It may be pointed out that there was an element of unorthodoxy in considering this matter at all. According to the Roman view, the Bible and the church could scarcely be brought into rivalry with each other. They would be regarded rather as essential parts of one whole, each fulfilling its own function in so far, and only in so far, as it was allied with the other. If any supremacy was to be allowed, it must be that of the church, without whose handling the Bible could not fully yield the word of truth. This view is taught by Walden in an imaginary dialogue between himself and Wyclif. Wyclif states that in doubtful things scripture is to be consulted, its teaching followed, and, where it pronounces no opinion, the matter is to be dismissed. Walden replies that such teaching is a virtual denial of the article of the creed 'I believe one Catholic and Apostolic Church'. Without the church, he says, we could not believe the gospel, e. g. the doctrine of the Trinity is not expressly taught in the New Testament, and the church is needed to define that doctrine.³⁸

This is all very different from the view of Pecock on the same subject. In chapter ii of part ii, he makes much of the written word as being superior to any oral tradition, and in chapter iv he elaborates the argument. Though the apostles were commissioned by Christ to teach and preach,

yitt herof folowith not that Crist as herynne bade hem preche the gospel, and the al hool feith, as sufficientli or principali to be doon; for Crist

³⁶ *Book of Faith*, p. 138.

³⁷ *Ibid.*, p. 118.

³⁸ Walden, tom. i, lib. ii, c. xxiii.

wolde that a good preching, not sufficient neither principal, schulde go bfore the teching, ful and sufficient and principal, which principal and sufficient teching aftirward schulde be doon bi writing oonli, or ellis bi word and writing togidere; for, as the philosophir seith, kinde in his worching biginneth fro inperfit, proceding and growing into perfit.³⁹

This is entirely opposite to the doctrine of Walden, who represented the view generally held. It reveals a protestant element in a man who was least of all men conscious of any lurking protestantism, and was, more than most men, ready and willing to oppose it by every means. He goes on to show that the church in the fifteenth century was not in the same position as the church of the apostolic age in the matter of 'kunnyng and power forto witnes oure feith'.

When the son in the argument suggests that the church which may dispense with scripture or interpret scripture is therefore above scripture, Pecock replies that scripture is not all of equal importance. It contains many ordinances of the apostles, which the pope may quite conceivably revoke, if the times demand such revocation. On the other hand, it contains ordinances of Christ, e.g. the sacraments, with which no pope nor clerk may dispense. The church, it is true, may interpret and expound the Bible, but we must be careful not to exaggerate these terms or to misapprehend their meaning:

Y seie that power forto interprete, expowne, and declare which is the right sense of Scripture, is not but a ful litil power upon Scripture, as power forto construe Scripture aftir rewlis of gramer is a ful litil power upon Scripture, but yitt moche lasse than the othere power now spokun. Forwhi, so bi these powers no thing is takun away fro Scripture, what he had bfore, neither eny thing is sette of the newe to Scripture, what Scripture hadde not bfore, neither eny thing is comaundid to be, or not to be, agens the commaunding, or the nylling of Scripture.⁴⁰

Again,

And therefore bi lijk maner, in this present purpos, it is that though the clergie, or sum of the clergie, bi her greet leernyng have power or kunnyng forto declare to sympler folk which is the verri sense and undirstonding of Scripture, yitt herof folowith not that the clergie, or thilk persone of the clergie so declaring, is worthier in weie of grounding what Scripture was ordeyned to grounde, bi his dew undirstonding of treuthe, than is the same Scripture in him silf forto so grounde.⁴¹

He concludes this chapter with a striking contrast between the force of *credo* and that of *credo in*. It is the former and not the latter which applies to the church in the Creed. This is important, as it sets limits to the regard men should have for

³⁹ *Book of Faith*, p. 272.

⁴⁰ *Ibid.* p. 280.

⁴¹ *Ibid.* p. 282.

the church. The article itself was merely introduced on account of heretics who taught that there were many churches. It was intended to combat the false notion of ecclesiastical plurality, not to teach what Pecock holds to be the false notion of ecclesiastical infallibility :

Wherefore folowith that bi the tenour of thilk article in the common crede, in which and bi which we ben taught forto bileeve oon holi universal chirche to be, we ben not taught forto bileeve to the holi universal chirche, that is to seie, forto bileeve that the holi universal chirche seith and techith trouthe.⁴²

This chapter is specially interesting because it foreshadows what was in the missing chapters of the book. Pecock announces his intention of applying the same reasoning to baptism, the forgiveness of sins, and everlasting life. One can only conjecture what he wrote on those subjects, but conjecture at least suggests that a good deal of it must have been characteristically unorthodox.

In comparing the opposite elements of teaching that we have been examining, it is difficult to reconcile the man who was responsible for the one with the man who uttered the other. The true explanation of their self-contradictory character would seem to lie in the fact that he unconsciously assumed two characters. Reginald Pecock, the bishop, and Reginald Pecock, the independent thinker, are not one and the same person. As a bishop, he was an accident, as an independent thinker, himself. The second set of opinions—those that have just been under our notice—represents the man free from trammel and convention, and prepared to walk where he would without attention to ruts and grooves. But when he defends church authority in the ordinary sense of the term, quite apart from the truth or untruth of his contention, we feel that this is not the rôle for which he was intended. Perhaps this accounts for the weakness of some of his arguments and the grotesqueness of some of his conclusions. A false position is apt to drive the wisest into absurdity. Yet it may have been that his sense of humour was more alert than we know, and that, finding himself to some degree imprisoned, he chose to make the conditions of his captivity seem ridiculous.

We have yet to consider what may be called Pecock's own subject, the special scope of his original mind, viz. his view of the relation of man's reasoning faculties (the 'doom of natural resoun') to the Bible. Other men had studied this question. Pecock must have been familiar with the teaching of St. Thomas Aquinas on the relation of the old law to the natural law. Walden had recognized that the law of nature was a preparation for something higher than itself. He speaks of the 'religion of the

⁴² *Book of Faith*, p. 284.

perfect' (i.e. of the religious orders) as having taken its beginning 'in the time of the law of Nature', and quotes with approval the practices of the Egyptian ascetics as the germ of the asceticism practised in the Christian monasteries.⁴³ In Pecock's own day also it was Sir John Fortescue who had made a lofty claim for the law of nature, seeing in it, as well as in the Gospel, the justification that men should do to others as they themselves would be done by. But Pecock, in his revolt against Lollard bibliolatry, struck out a new and original path in his application of this law to the subject of biblical inspiration and interpretation.

Of the three errors in this matter against which he contended, the following was the one that called forth his most remarkable and startling utterances: 'That no ordinance is to be esteemed a law of God, unless it be grounded in Holy Scripture.' His consideration of this assertion leads him to inquire into and assign limitations to the scope of the Bible. The limiting force is 'mannis resoun'. This has its divine purpose, and where it works there is no place for scripture:

It longith not to Holy Scripture, neither it is his office into which God hath him ordeyned, neither it is his part forto grounde eny gouernance or deede or seruice of God, or eny lawe of God, or eny trouthe which mannis resoun by nature may fynde, leerne, and knowe.⁴⁴

He proceeds at once to apply this to the moral law. Whatever thing is ordained, he says, to be the foundation of a truth must declare that truth in such a way that it cannot be known by any other means. But, as a matter of fact, the moral law can be known quite apart from the help of scripture, and indeed was known long before the Bible was written. The understanding of moral law rests upon the judgement of man's natural reason:

But so it is, that of no vertu, gouernance, or treuthe of Goddis moral lawe and seruice, into whos fynding, leorning, and knowing mannis witt may by his natural strengthe and natural helpis come, Holi Scripture al oon geueth the sufficient kunnyng; neither fro and out of Holi Scripture al oon, whether he be take for the Newe Testament al oon, or for the New Testament and the Oold to gidere, as anon after schal be proued, growth forth and cometh forth al the knowing which is nedeful to be had vpon it: wherefore nedis folewith, that of no vertu or gouernance or trouthe into which the doom of mannis resoun may sufficientli ascende and come to, for to it fynde, leerne, and knowe withoute reuelacioun fro God mad ther vpon, is groundid in Holi Scripture.⁴⁵

Wherefore doom of natural resoun . . . and not Holi Scripture is the ground of all the seid gouernauncis, deedis, vertues, and trouthis. . . . Ech of these gouernauncis, trouthis, and vertues, now to be rehercid, mowe be knownen bi doom of resoun as sufficientli as Holy Scripture techith hem

⁴³ Walden, *Doctrinale*, tom. i, lib. ii, c. 1.

⁴⁴ *Repressor*, p. 10.

⁴⁵ *Ibid.* p. 10.

to be don, though Holi Scripture had left al his teching which he makith vpon any of hem.⁴⁶

He then enumerates these 'gouvernauncis'. They are

that God is moost to be loued of man ; and that a man schulde loue him silf and his neighbore as him silf, though not so miche as him silf ; that a man schulde be trewe to God in paiying hise just promissis, if he hath eny suche maad to God ; that he be meke to God in not amys tempting God agens reson ; that he reuerence God, and that he take bisynes for to learne what plesith God, that he do it to God or for God ; that a man oughte be temperat in eting and drinking, and not be glotenose ; and that he oughte be contynent or holding mesure in deedis of gendring ; and that he oughte be meke to othere men and not proud ; and that he oughte be trewe and just to othere men ; and that he oughte be mylde in speche and answer ; and that he oughte be pacient and sobre in tribulaciouns ; and that he oughte be doughty and strong in gode werkis.⁴⁷

He specially singles out matrimony and usury as receiving scant explanation in the Bible. Once more the judgement of man's reason is necessary to supply what scripture fails to give ; indeed, in all these questions we could arrive at a good understanding even if Holy Writ did not exist at all.⁴⁸

What then is the purpose and function of the Bible in relation to morality ? Pecock has his answer. It does not teach men the moral law ; it encourages them to keep it :

But so it is that Holi Scripture dooth not ellis aboute the moral vertues and gouvernauncis and treuthis of Goddis moral lawe and service bifore seid in the firste conclusioun, saue oonli this, that he reinembrith, or exortith, or biddith, or counseilith men vpon the vertues and gouvernauncis and forto vse hem, and forto flee the contrarie vicis of hem, as ech man mai se bi reding where euere he wole where mensioun is mad of eny moral vertu in the Oold Testament or of the Newe. For he biddith a man to be meke, and he techith not bifore what mekenes is. He biddith a man to be pacient, and yit he not bifore techith what pacience is. And so forth of ech vertu of Goddis lawe.⁴⁹

Again,

Yitt it may perteyne weel ynough to Holi Scripture that he reherce such now seid gouvernauncis and treuthis . . . that bi thilk rehercing and witnessyng so doon bi Holi Scripture to men tho men schulden be bothe remembrid, stirid, prouokid, and exortid forto the rather performe and fulfille the same so rehercid and witnessid gouernancis and trouthis.⁵⁰

Moral truth is, of course, mentioned in the Bible, but this does not prove that it is grounded there. If this were the case then equally would scripture be the ground of certain truths of natural philosophy, a contention which no one would maintain.⁵¹

⁴⁶ *Repressor*, p. 13.

⁴⁷ *Ibid.* p. 21.

⁴⁸ *Ibid.* p. 13.

⁴⁹ *Ibid.* p. 32.

⁵⁰ *Ibid.* pp. 15, 16.

⁵¹ *Ibid.* p. 24.

This kind of reasoning led him to take up a position which must have been equally distasteful to the Lollards and to his own colleagues in the church. Suppose a moral truth contained in scripture seems to disagree with the moral law, which of the two is to be followed? Pecock has no doubt at all upon the point. Scripture is not the proper ground of the moral law, consequently it is to be rejected in the case of such disagreements. His own words are as follows:

And if eny semyng discorde be bitwixe the wordis written in the outward book of Holi Scripture and the doom of resoun, write in mannis soule and herte, the wordis so written withoutforth oughten be expowned and be interpretid and brought forto accorde with the doom of resoun in thilk mater; and the doom of resoun oughte not forto be expowned. glosid, interpretid, and broughte forto accorde with the seid outward writing in Holi Scripture of the Bible or oughtwhere ellis out of the Bible.⁵²

There was enough in this passage to damage any clergyman, who, thinking and speaking thus, happened to be born in the fifteenth century. Although he recognizes that the Bible was ordained to ground articles of faith and to give men the positive laws that concern the sacraments, he seems desirous of placing within the narrowest limits all truths with which reason has no concern. Thus, he asserts that the greater part of God's law is contained in natural religion rather than in the Bible,⁵³ and that no one can understand the moral teaching of scripture without a knowledge of moral philosophy.⁵⁴

But, perhaps, the most amazing feature of his view of the 'doom of resoun' or 'lawe of kinde' is his application of it to the sacraments. In one place, for instance, he claims for the law of nature a higher because a more profitable place than for the law of faith:

Al the lawe of feith which Holi Scripture techith is not so worthi and so profitable to man as is lawe of kinde taught out of Holi Scripture bi doom of resoun, with oute godli reuelacioun. Forwhi thus forto speke of lawe of feith ther is no lawe of feith, saue it which is positijf lawe of feith; and al positijf lawe of feith is oonli lawe aboute the new sacramentis; and the vsis of tho (as for and bi hem silf) ben vnworthier and lasse profitable to man than is lawe of kinde, as it is bfore proued.⁵⁵

In another passage he refuses to contemplate the use of the sacraments at all apart from the sanction of reason:

Yhe, and yit with al this that is now seid treuth is also that the makingis and the vsingis of the seid newe sacramentis mowe not be groundid bi Holi Scripture to be oure gouernauncis now lyuyng in erthe withoute help of resons doom, and withoute that lawe of kinde and moral philosophi and

⁵² *Repressor*, pp. 25, 26.

⁵⁴ *Ibid.* p. 43.

⁵³ *Ibid.* pp. 39, 40.

⁵⁵ *Ibid.* p. 84.

Holy Scripture grounde hem to gidere ; and that into the grounding of hem the euydencis or premyssis which Holi Scripture bringith ben not more substancial and strenger into the grounding than ben the euydencis and premisses which doom of resoun therto bringeth.⁵⁶

The foregoing will have served to emphasize the mental attitude of Reginald Pecock as being independent and unconventional, and in reading *The Repressor* one is continually coming across instances of a view of the Bible which orthodoxy, whether catholic or protestant, has never been able to approve. He recognizes the pleasure which comes to the lay people from reading the Bible in their mother tongue, that reading is 'miche delectable and swete, and drawith the reders into a deuocioun and a loue to God'.⁵⁷ But this can be overdone. The Bible may be, and indeed is, sweet ; yet as too many sweets are bad for children, too much Bible reading is unfitting for men and women.⁵⁸ Nor does he regard 'the Bible' and 'the Word of God' as necessarily synonymous terms. The one does not absolutely include the other. There is, e.g., an 'inward Scripture', to make 'ouer litle' of which is just as much to 'trespace to God' as to make 'ouer litle' of holy scripture. If men are afraid to disparage the written word, why do they not also fear to ignore the teaching of the word that is hidden within their hearts ?⁵⁹ And, further, which of these two words is superior to the other ? The answer given is just what we should not expect from the lips of a medieval bishop :

For certis this inward book or Scripture of lawe of kinde is more necessarie to Cristen men, and is more worthi than is the outward Bible and the kunnyng ther of, as fer as thei bothe treten of the more parti of Goddis lawe to man.⁶⁰

A similar width of vision is made plain at the conclusion of the argument in favour of many of the practices which the Lollards considered superstitious. Having pointed out that there is really no true ground of objection to these, he characteristically adds a saving clause. Visible signs, he says, are good and profitable if used with understanding, specially for those who cannot read, or may not hear the word of God ; yet they must be used in moderation, and specially they must not be allowed to absorb the leisure time which men might bestow on reading or hearing God's word ; such reading and hearing are to the outward signs that men employ as the sun is to the moon, as a great torch to a little candle. 'And yit al this vndirstonde not y of the Bible aloon, as sum men ouer vnredili and ouer myche syngulerli vndirstonden.'⁶¹ In their judgement of this sentence Lollard and anti-reformer would be found united.

⁵⁶ *Repressor*, pp. 45, 46.

⁵⁷ *Ibid.* p. 66.

⁵⁸ *Ibid.* p. 67.

⁵⁹ *Ibid.* p. 51.

⁶⁰ *Ibid.* p. 52.

⁶¹ *Ibid.* p. 274.

More than once it has been said that Pecock was a man who lived before his time. The truth of this statement is never more plainly seen than in his employment of the faculty of criticism. The accepted view of the Donation of Constantine⁶² and that of the Book of Genesis⁶³ are the two subjects that he submits to a critical examination. In the matter of the former he displays a great lack of the knowledge of authorities; but this does not affect the main point of importance, viz. that he proved himself capable of striking out into the path of a method that was then unknown, at any rate in England. Again and again in Walden's writings references are made to the Donation, which is never once questioned, and Walden was typical of the church mind of the day. More interesting still, in view of modern biblical study, is his treatment of Genesis. Moses, he thinks, gathered together what had been written by different pens from the time of Enoch:

And so at the laste, Moises gaderide al this togider, and made a book therof which is clepid Genesis; and certis this is more likli, bi storie bifore alleggid, and bi resoun togidere, than forto seie that Moyses had bi inspiracioun without eny manys bifore govun to him informacioun, namelich sithen we owen forto not feyne, forge, allegge, putte, trowe, or holde, eny miracle to be doon, save whanne nede compellith us therto, that is to seie that we mowe not save the caase otherwise bi liklihood of resoun. And certis, sithen in this case ther is more liklihode of resoun, forto seie that Moyses hadde sufficient informacioun bifore of writingis, hou he schulde make the boke of Genesis, than there is liklihode to this, that he had noon such now seid informacioun, therfore in this case it is not to renne into myracle, though dyvers doctouris in this case, and in special Gregory upon Ezechiel, without myche avisement, and soone moved bi devocioun, so doon.⁶⁴

In arriving at this conclusion, he does not entirely cut himself adrift from the literalism of his own age, as when he refers to Adam as teaching Enoch, and Noah preserving the latter's writings 'saaf in his schippe'. But the method a man employs is of little account in comparison with the spirit that animates it.

When we turn to his dissertation on the subject of 'Faith' many of his previously noted characteristics are still to be seen, and none of the interest that he has inspired is lacking. He is still, at the outset, the orthodox theologian; but very soon another side of his mind is revealed. Nor is there much doubt as to which is the larger or more representative of his inmost self. His definition of 'faith' is as follows:

Thilke kinde or spice of knowyng, which a man gendrith and getith into his undirstonding, principali bi the telling or denouncing of another

⁶² *Repressor*, pp. 350-6.

⁶³ *Book of Faith*, pp. 261-4.

⁶⁴ *Ibid.* pp. 264, 265.

persoone, which may not lie, or which is God. . . . As if y leerne and knowe this, which y not bifore knewe, that a mayde bare a childe; bicause that God, bi him silf immediatly, or bi an aungel, or bi oon of the apostlis of God hath tolde it, or in sum other wise denouncid it to be trewe, as bi writing or bi miracle therfore doying, or bi eny other signe occupiying sufficiently the stide of word; thanne this knowyng which y leerne and gete to me thus upon this conclusioun, that a mayde bare a child, is suche seid grettist feith. . . .; and in lijk maner it is of eche treuthe, . . . and namelich, if the same treuthe be such that y may not bi natural witte suffice forto come into the leernyng, fynding, and knowyng of it, that of ech such trouthe the seid maner of leernyng and knowing is feith.⁶⁵

There is not much to find fault with here if we judge it by the canons of orthodoxy, but Pecock passes quickly on to something of a very different character. In defining faith, as above, he appears in the light of a man who has to perform a somewhat uncongenial task on which he bestows only as much time and trouble as will satisfy the barest requirements of decency. This task accomplished, he feels free to expend all the energy he will on other matters which are nearer and dearer to his heart. Accordingly, he proceeds to offer modifications of what has gone before that are numerous and strong enough wellnigh to obliterate his opening definition. Faith, as we have seen, comes to a man from some outside source. But this does not mean that man's power of reason has been put out of court, nor that to believe implies an unquestioning acceptance of what is taught, e.g.

It folowith that the leernyng and knowing of ech treuthe and conclusioun of feith muste nedis be hadde and gete bi argument, which is a sillogisme.⁶⁶

God arteth us not to eny bileeve, neither we mowe have eny other bileeve, saue it to which we have suche sufficient evydencis as ben bifore seid.⁶⁷

The resoun may not at his owne lust juge and deme a thing to be trewe or not trewe, but he muste nedis juge aftr that tho evydencis to him mynystrid moven him to deeme; that is to seie, the resoun muste nedis consente to thilke party which notabli hath strengist evydence. . . . But agenward, alas, the Cristen clergie laboren not as yitt forto considere clerli what feith is in his owne kinde, and whiche ben the evydencis wherbi it schulde be proved, and forto dispose the evydencis in cleer formal maner of silogisme, and to have hem redi at mynde.⁶⁸

But suffre thou ordeyne and do, that the lawe and the feith, which thi chirche at eny tyme kepith, be receyved and admittid to falle undir this examinacioun, whether it be the same verri feith which thou and thi apostlis taughten, or no, and that it be receyved into examinacioun, whether it have sufficient evydencis for it to be very feith, or no. . . . And also, ellis it were a ful shameful thing to the Cristen chirche, forto holde such a feith for a substaunce of her salvacioun, and yitt dursten

⁶⁵ *Book of Faith*, pp. 123, 124.

⁶⁶ *Ibid.* p. 126.

⁶⁷ *Ibid.* p. 129.

⁶⁸ *Ibid.* p. 131.

not suffre it to be examined, whether it is worthi to be allowid for trewe feith or no. And it were a vilonye putting to Crist, that he schulde geve such a feith to his peple, and into which feith he wolde his peple turne alle othere peple, and yitt he wolde not allowe his feith to be at the ful tried, and that he durste not be aknowe his feith to be so pure and so fyne fro al falsheede, that it myghte not bi strengthe of eny evydence be overcomen.⁶⁹

When he is confronted by the words of St. Gregory, 'feith hath no merit, to which mannys resoun geueth other sure proof or experience,'⁷⁰ he makes one of those attacks upon patristic authority which was a principal charge against him at his trial. Holy and learned men are not infallible, and St. Gregory's words may be capable of more interpretations than one; but if they were really directed against the use of reason in matters of faith, 'it wolde folowe that he spake them unkunnyngli, or unavisidli and unwarli.'⁷¹ He also refuses to accept the incident of St. Thomas as an argument against the need of evidence; he distinguishes between 'opinial' and 'sciencial' faith in such a way as to make one feel that he regarded most truths as open questions;⁷² and he closes the argument by stating clearly that there is no finality in matters of belief, and that truths are only to be accepted as such 'unto tyme to the contrarie be gete more likeli evydence'.⁷³ True, indeed, he allowed some modification to all this in the matter of the central Christian doctrines of the Trinity and the Incarnation, but this allowance is expressed somewhat vaguely, and it is difficult to see how it can stand against his other conclusions.⁷⁴ In a word, he sought to entrust everything in the Christian Creed to the judgement of reason, and to him the greatest offence of all was the 'prisonyng of feith'.⁷⁵

It is impossible to form but one opinion of his loyalty to the call of reason. He made claims on its behalf that sound extravagant, and we wonder whether he realized their implication. But reason for him was synonymous with divine guidance, and when it summoned him, he obeyed, no matter how far he was bidden to stray from the recognized paths. The man who welcomes truth in whatever form it may come, and who does not fail to see the homage that is due to learning, can never turn from the study of Reginald Pecock without feelings of admiration, which, mingled though they be with others of a different sort, inspire the regret that his opportunities were not wider, and his days spent in a century where, under the warm sun of sympathy, he might have done greater work and been in every sense a greater man.

E. M. BLACKIE.

⁶⁹ *Book of Faith*, p. 132.

⁷¹ *Ibid.* p. 148.

⁷⁴ *Ibid.* p. 136.

⁷² *Ibid.* pp. 160, 161.

⁷⁵ *Ibid.* p. 133.

⁷⁰ *Ibid.* pp. 145, 146.

⁷³ *Ibid.* p. 173.

The English at Tangier

IN the year 1661 the little town of Tangier, the 'eye of Africa', was added to the possessions of the English crown. Together with Bombay it formed part of the dowry of the Princess Catharine of Portugal, on her marriage with Charles II of England. On 30 January 1662 the town was entered by a British garrison, which held it for two and twenty years, in the face of continual hostility on the part of the Moors, and in spite of inadequate support from home. It was the expressed desire of the king that Tangier should be not only a naval station and a centre for commerce, but also the starting-point of an extensive English colony in Africa.¹ To this end some of the soldiers were given a passage for their wives and children, and merchants, English and foreign, were encouraged to settle in the place. But the enterprise proved too great a financial burden to be well sustained by the government of Charles II; after the first three years the bounds of the settlement were scarcely enlarged, and it was left to struggle on as best it could, with an insufficient supply of men, money, arms, ammunition, and provisions. The story of this ill-fated attempt at colonization is recorded in hundreds of contemporary letters and documents; most of these deal only with public affairs, but here and there may be found a chance remark, which, with three or four contemporary diaries, affords a glimpse of the daily life of the English inhabitants of Tangier between 1662 and 1684.²

New-comers who visited Tangier during the English occupation usually gained a favourable impression of the place. When Lord Belasyse arrived to take up his duties as governor in April 1665, he wrote home to report 'the nobleness of its situation and great importance to the Crowne'; he was delighted to find 'all

¹ Commission and Instructions for Henry, earl of Peterburgh, first English governor of Tangier, 6 September 1661.

² The principal sources of information are letters from the governors and other officials at Tangier, among the State Papers at the Public Record Office (Colonial Office 279, 1-49); John Luke's *Journal at Tangier* (British Museum, Add. MS. 36528); *The Present State of Tangier*, by 'G. P.', 1676 (British Museum, Pamphlets 583 a, 33); Sir Hugh Cholmley's *Account of Tangier and Journal at Tangier* (privately printed), (British Museum, 614, K. 15. [2]); and Samuel Pepys' 'Tangier Journal' (John Smith's *Life, Journals, and Correspondence of S. Pepys*, 1841.)

the orange trees tipped with flowers, which he left in England so with snow and ice'. His Majesty, he thought,

would have a greater esteame of it than any other of his dominions, weare he heare to see the prospectes of the Streights uppon Spain, the shippes that pass, the frutefull mountagnes of Affrique, the fragrent perfumes of flowers, rare frutes and sallads, excellent ayre, meates and wines, which this place most seamingly affords, or shall do.³

A writer who signs himself 'G. P.', describing Tangier in 1676, says: 'It is certainly a very sweet and well-chosen place, at the foot of a very great Hill on which the Castle standeth . . . fenced with a high thin old-fashioned wall.' Most of the buildings, he says, were in the Spanish style, the better sort built of stone, with tiled roofs.

Houses are low and generally little, with Spanish roofs almost flat, the Walls generally of Stone and Mudd, the covering crooked Tiles, the In-side and Cielings of Slit Deal or Pine. There are many of the Officers and principal Townsmen who have fine large commodious and well-furnished Houses and Gardens; and indeed the Houses are for the most part very pretty and convenient, hardly any without a little Garden, but extremely beautiful and delighting, full of sweet Herbs and pleasant Trees, especially Vines, which running up upon Pillars made of Stone and Espaliers made of great Reeds, all their Walks and Back-sides and Spare-places are covered and shaded with Vines, mightily loaden with excellent Grapes, of divers sorts sizes and shapes, and some very early ripe.⁴

The most striking feature of the place was undoubtedly the broad stone pier known to fame as the Mole, one of the greatest engineering works of the period, which with its battery of guns protected Tangier from attack by sea, and made the harbour a base of operations against the 'Salli rovers' and pirates from Algiers, Tripoli, Tunis, and Tetuan, who infested the waters of the Mediterranean. Near the water-side, on rising ground at the head of the Mole, stood a fortified building known as York Castle and used as a magazine. Close to its landward gate was a spacious parade-ground, where 2,000 men might draw up in open order.⁵ At the top of the hill which rose steeply behind the parade-ground was the upper castle, 'situated securely and delightfully,' and strongly fortified, with four massive bastions of old Portuguese workmanship. The outer walls enclosed storehouses and gardens, and the governor's house, which Lord Middleton made 'very noble, large, and commodious' at a cost of £800.⁶ It commanded

³ Report of Lord Belayse, 13 April 1665, Colonial Office 279, 4, f. 71.

⁴ *The Present State of Tangier*, 1676, pp. 14-16.

⁵ Rawlinson MS. D. 916, f. 67 (Bodleian Library).

⁶ *The Present State of Tangier*, p. 29; Middleton to the Lords Commissioners for Tangier, 5 February 1672/3, Colonial Office 279, ff. 288 seq.

a beautiful view of the bay and straits, and all ships passing to and from the Mediterranean sailed within sight of its windows. The westward ramparts of the upper castle overlooked the open country : ' a land very rich and pleasant, abundantly luxuriant in the production of fine flowers (as Narcissus, Iris, Crocus, etc.), and sweet-smelling Plants, which with so much care and cost are nourished and reared in the Gardens of Europe ; so that the Hay made there by the Garison, is only a wither'd nosegay of Rosemary, Thyme, Marjoram, Pennyroyal, and other sweet-smelling herbs.' ⁷

The population of Tangier varied in number from time to time during the English occupation, but was never very large. The garrison consisted usually of only 1,200 to 1,400 soldiers, including English, Irish, and Scotch, but was occasionally increased to 2,000 or more.⁸ Besides the garrison there were usually about 600 inhabitants, including some English merchants and a sprinkling of Portuguese, Spaniards, French, Dutch, Italians, and Jews.⁹ Social distinctions were rigidly observed : the leaders of society were the governor and his family, the principal officers of the garrison and the chief engineers, who formed a select *côterie* of ' about 20 families that were conversant one with the other ', and admitted to their most exclusive entertainments only the distinguished visitors who came to the place from time to time, the successive commanders of the Mediterranean fleet, and the ' gentlemen captains ' of the king's frigates. Next in rank came a social group made up of the municipal dignitaries, the mayor and corporation, the minister and doctors, the schoolmaster, the minor officials of the Mole office, the governor's secretary, and the more important merchants ; this group was linked to the first by a few of the subaltern officers, who were not above accepting less exalted entertainment than that of occasional official dinner-parties at the castle. Below this, again, were the private soldiers and their families, the Mole workpeople, shopkeepers of the poorer sort, and various hangers-on of the garrison. Besides these there was a shifting company of foreigners with social gradations of their own, ranging from the well-to-do merchant to the lowest

⁷ *The Present State of Tangier*, p. 20.

⁸ ' The first Establishment for Tangier,' 10 October 1661, Colonial Office 279, 1, f. 25 ; ' An Establishment for Tangier,' 16 March 1668, State Papers, Dom., Entry Books 30, ff. 52, 53 ; ' An Establishment for Tangier,' 9 March 1674/5, War Office Ord. Misc. 1082 (Establishment Book and Warrant Book).

⁹ ' An Abstract of the State of the City and Garrison of Tanger, on a Survey taken thereof the 30th December 1676,' Colonial Office 279, 19, f. 371 ; ' A Character of Tangier with its present state and condition,' Capt. Bolland's Mediterranean Journal, 9 March 1676, Pepys MS. No. 15, 2899, f. 60, Cambridge University Library. ' An account of the civil inhabitants of the Citty of Tanger, 1678,' Dartmouth MSS., *Hist. MSS. Commission Report*, i. 27 ; ' The inhabitants exclusive of the garrison,' 1683, *ibid.* p. 85.

adventurer from some Mediterranean port. Apart from all were the Jews, some of Barbary and some of Europe, with their own quarters and synagogue.¹⁰ There were also about eighty slaves belonging to the king's galleys,¹¹ chiefly Moorish or Turkish prisoners taken from pirate ships, and a few who served private persons. In the early days of the English occupation there were a few free Moors in Tangier, who acted as guides to the garrison, and brought in horses and cattle, but the native population was never considerable. In addition to the residents, there were nearly always some sailors in the town; trading vessels, English, French, and Spanish, were sometimes kept in the harbour by contrary winds. There was usually a frigate or two told off to keep in touch with the place, and one or two naval commanders had houses in the town and spent a good deal of time on shore.

Notwithstanding the many discords inevitable among a population so varied in nationality and religion, life at Tangier could be pleasant enough for a time, especially in spring, when blue sky and sunshine and a wealth of sweet-scented flowers lent an air of brightness and well-being to the little town, and the constant coming of ships and visitors brought the interests of the outer world to its gates. There was no necessary hardship in a few months' sojourn in the new colony; but those who were obliged by duty or poverty to stay on year after year, through good and bad seasons, peace and war, times of good health and illness, found the isolation of their position hard to bear. Many of the younger soldiers who had come out in the hope of a rapid conquest of the country must have shared the impatience expressed by Captain Mordaunt, of the Tangier Horse, who begged for his recall, saying:

This place . . . is good for an old man that is and loves to be confined, and hath the gout and a Ach in his Boanes the sun will sweate it out, or a yong man that never was abroad nor never saw any of experance [in] his life, he may continue three month perhaps, but I must goe where other experance may be learned if I may.¹²

Even during the command of the earl of Teviot, when the Moors were pressing round Tangier and skirmishes were of everyday occurrence, the indefatigable governor had time to feel himself cut off from all the world; he wrote gratefully to Mr. Westcombe, the English consul at Cadiz, to thank him for sending 'newsbookes', saying, 'it is an act of Charity soe to doe

¹⁰ An Account of Tangier (undated), Colonial Office 279, 33, f. 134 *seq.*

¹¹ 'A list of slaves belonging to his Ma^{ty} Bagnia at Tanger' (79 names), February 1677, Colonial Office 279, 20, f. 135; compare *Calendar of State Papers, Domestic Series*, 1671, p. 351, and 1672, p. 16, for purchase of slaves at Malta for the Tangier galleys.

¹² 10 August 1664, Colonial Office 279, 3, f. 214.

with us who see nothing but Moores and the four elements and are deprived of all civil and state conversation.' ¹³

Never for a moment could the people of Tangier forget that they were in an enemy's country; the narrow limits of their lands pressed hard upon them; on one hand were the pirate-ridden seas, on the other a stretch of sand-hills which might at any time conceal a Moorish ambush. No boat dared venture unguarded beyond cover of the guns on the Mole; no one might wander a step beyond the lines without danger of capture. Even the gardens and pastures between the outer forts and the town were sometimes unsafe, and a field of wild oats between Monmouth and James forts afforded good cover for Moorish snipers. Officers and men persistently rode or walked about the lines with light-hearted indifference to possible risk, and very often, in spite of the vigilance of the guards, 'the Moors lay themselves in ambush in the long grass so nere the palisado that they have shott severall before they have bin aware of any danger'.¹⁴ For many tedious years Tangier was little better than a besieged city; those who had relatives and friends in the outer forts must have spent many an anxious day and wakeful night as they listened to the sound of firing that told of a Moorish attack, yet with unflinching courage people put anxiety in the background and cheerfully made the most of the diversions that opportunity afforded.

Mr. John Luke, secretary to Lord Middleton (governor of Tangier from October 1669 to January 1675), has left in his journal a fairly complete record of his everyday life between 1670 and 1672.¹⁵ At eight o'clock, or earlier, he went up to the castle to 'wait upon his Excellency'; the morning was devoted to business; dinner was at 12 and supper about 8. The afternoon was a time for recreation; at 4 or 5 o'clock Mr. Luke usually walked or rode in the fields within the lines, or along the sands to Old Tangier, sometimes in company with Mr. Turner, the minister, who one day 'roade Captain Gyles' horse most furiously till he runne away with him and gave him a notable fall in the laine going to James Fort'.¹⁶ As a rule, no great variety of amusement was to be had; many of the private soldiers and troopers when off duty spent the afternoon on the sand-hills that fringed the beach, playing cards, or smoking their long pipes as they idly watched the ships come in and out of the harbour; ¹⁷ others frequented the small taverns and wine-shops

¹³ Teviot to Westcombe, 15/25 April 1664, Colonial Office 279, 3, f. 42. Cf. Heathcote MSS., *Hist. MSS. Commission Report*, p. 148.

¹⁴ An Account of a Voyage to the Straits in the *Maryrose*, 1674. Rawl. MS. C. 353, f. 14 (Bodleian Library).

¹⁵ Add. MS. 36528.

¹⁶ John Luke's Journal, 19 December 1670 (Add. MS. 36528).

¹⁷ Cf. Hollar's etchings of Tangier, in the Print Room, British Museum.

kept by soldiers' widows in the town, where they diced and drank away their scanty pence. Their pay was usually several months in arrear, and 'the poor soldier when he got a flood of money spent it all in a week'. Occasionally, on public holidays, displays of 'back-sword, wrestling, and bull-bayting' were given by the garrison.¹⁸

In time of peace a small amount of sport was to be had; game, indeed, was plentiful, but hunting was limited by treaty with the Moors; no more than twelve Englishmen might hunt or shoot at a time, and the officer who in a moment of excitement passed the boundary was liable to be taken prisoner and made a slave for life. Lancelot Addison, chaplain at Tangier in 1663, wrote: 'Wild boars are no rarity in this diocese, which the Mooreshunt and kill in a manly pastime.'¹⁹ 'G. P.' mentions

plover, curlew, and bustard—the partridge, though much larger, doth not please me so well as those of England and Ireland, but here are a sort of Birds about the bigness of a Pheasant, the Spaniards call them Pesones de Campo, which I must commend above all the Fowl that ever I tasted.

Hawking is mentioned only once.²⁰ Fishing from boats was not without danger from a sudden piratical raid, but from the Mole it was always safe, and according to 'G. P.'

no place under Heaven perhaps is better furnished with excellent kinds of Fish and great plenty; here are (beside Soles, Gurnets, Mulletts, Turbets, Lobsters, Eels, Shrimps, etc., in common with England) Cod-fish, Bonito's, Oldwomen, Porgo's, Salmonetto's, Rock-fish, Star-fish, and many other for which they have no name.²¹

Beyond the walls of the town, but protected by the line of outer forts, was a 'House of Pleasure', called Whitehall, 'a place where the Ladies, the Officers, and the better sort of people do refresh and divert themselves with Wine, Fruits, and a very pretty Bowling-Base.'²² Here, on Easter Monday, 1671, Sir Hugh Cholmley records that the married officers of the Mole beat the bachelors at bowls, 'and My Lord [Middleton] and all of us dined at Whitehall in an harbour.'²³ The largest of the forts, named Charles, in honour of the king, about a quarter of a mile from the town, was for a few years a rival of Whitehall as a fashionable afternoon resort, for here Captain Daniel, of the governor's regiment, made a beautiful garden 'round about

¹⁸ Colonel Henry Norwood to Sir Joseph Williamson, 4/14 October 1669, Colonial Office 279, 12, f. 73.

¹⁹ Addison's Account of West Barbary, *Pinkerton's Voyages*, xv, p. 407 (1814).

²⁰ Colonel Fitzgerald to Sir Henry Bennet, Tangier, 9/19 December 1663, Colonial Office 279, 2, f. 160-1.

²¹ *The Present State of Tangier*, p. 27.

²² *Ibid.*, p. 31.

²³ Sir Hugh Cholmley, *An Account of Tangier*, p. 185.

the fort, and shadowed with an arboure of vines of all sorts and of his own planting. Where he hath also all sorts of sweete herbes and flowers and all manner of garden-stuff with strawburys and mellons of all sorts, figgs and fruit trees of his owne planting.' ²⁴ This garden was admired by all who saw it, 'so that Charles Fort,' says 'G. P.', 'which is the great terrour to the Moors and which they dare not come near, is the greatest delight of the Inhabitants of Tangier, and continually visited like Spring-Garden.' ²⁵ Sometimes the arrival of a ship from England would attract people to the Mole, which made a pleasant promenade, whence one might chance to see a distant fight between an English or Spanish ship and a 'Salli-man', or 'Algerine'.

Sir Hugh Cholmley, the engineer, with his wife Lady Anne and their little girl Moll, liked to be rowed about the bay to look at the progress of the Mole; some of the officers made a practice of riding about the lines in the afternoon, and sometimes arranged a race between their horses. Now and then a review of the troops provided an entertainment; at 'a muster in the Fields', held in March 1671, 'the Regiment made a very handsome appearance . . . at least 190 files. My Lady Middleton walked out to see them, stayed at Charles Fort till all was don, then went doune to Whitby, where Mr. Sheers treated her.' ²⁶ On the rare occasions when business or curiosity brought over some great personage with money in his pocket and a few court gallants in his train, Tangerine society threw itself into the enjoyment of dances and entertainments with such whole-hearted frivolity that, according at least to the mayor, Mr. Bland, the saying was current among the Moors, 'If you give the officers a ball and the common soldiers a bottle of wine, you may do what you will with an Englishman.' ²⁷

The evenings were passed with cards, music, dancing, and conversation; when Samuel Pepys went to Tangier in 1683 he was entertained with 'harp, guitar, and dance, with Mr. Sheres in his garden, with mighty pleasure'. ²⁸ Sometimes sailor musicians were called upon to provide an entertainment; on 20 December 1670 'Capt. Gyles came very merry from on board Capt. Berry,

²⁴ *Diary of Henry Teonge*, 15 July 1675, p. 32 (1825).

²⁵ *The Present State of Tangier*, pp. 29-31.

²⁶ Luke's Journal, 6 March 1671. The regiment alluded to was usually known by the name of its colonel during the occupation of Tangier; after 1680 it was sometimes called the 'Old Tangier Regiment', and afterwards became the Second 'Queen's' (Royal West Surrey) Regiment; see Colonel Davis's *History of the Regiment*. Mr. 'Sheers', or 'Shere', was one of the two engineers who built the Mole. Sir Hugh Cholmley was the other. The stone-quarries and engineers' offices were at 'Whitby'.

²⁷ John Bland to Sir J. Williamson, 12 March 1675, Colonial Office 279. 17. f. 135.

²⁸ Pepys' Tangier Journal, 19 September 1683 (Smith's *Life, Journals, &c.*, of S. Pepys, i. 359).

and brought with him two fidlers with their violins, and next day his Excellency called for the violins and diverted himself with them an hour or two.' ²⁹

Gossip and scandal thrived apace in the narrow circle of Tangerine society; social jealousy was acute. It may be gathered from John Luke's diary that almost every word and look were noticed and discussed; he himself took a deep interest in the affairs and intrigues of his neighbours, and even the governor and the chief officers of the staff did not despise the diversion of an hour's gossip. On an evening in January 1671, Luke writes, 'Major White and Fitzgerald being with his Excellency, Captain Gyles and I went in, stay'd neere an hower, Major Fitzgerald recounted to his Excellency the carriage of all the ladies last night at his house, a pleasant discourse wee had concerning Mrs. Legg.' ³⁰

'The Play,' which began between five and six o'clock and went on till about eight, was a popular pastime for winter afternoons. Sometimes the Mole, or one of the buildings on it, served temporarily as a theatre; but while Lord Inchiquin was governor (1675-80) the military storehouse at York Castle was converted into a play-house, to the detriment of the firearms, which appear to have been turned out of it and crowded in with the general stores to make room for the stage. ³¹ The soldiers of the garrison, in spite of their hard duty, formed a dramatic company, and were always ready to get up a play when the Moorish enemy allowed them leisure. John Luke records the performance at different times of *The Earl of Essex*, *The Indian Emperor*, and *The Old Brother*, 'where most of them acted well and Gregory extraordinary well.' ³² The Christmas festivities of 1670 were concluded on 26 December with a play, 'where,' says Luke, 'the Actors did their part well enough, and caused much laughter, the house very full.' In the same winter a travelling company of Spanish players came to Tangier and gave great pleasure by their excellent acting; during their visit the governor entertained at the play the crew of a Spanish boat which had co-operated with one of the English frigates in the capture of a pirate brigantine. Mr. Luke thought the Spanish actresses very plain, but there appears to have been one exception at least, for about this time Mr. Morgan Read, Alderman, was found entertaining at his house 'Leonora, the pretty wench who acts one of the best' ³³.

Hospitality towards neighbours and strangers was widely

²⁹ Luke's Journal.

³⁰ *Ibid.*

³¹ 'Booke of Tanger,' War Office Ord. Misc. 1082, f. 148 and 248 (P. R. O.).

³² Luke's Journal, 22 December 1670, 31 January 1670/1, 16 February 1670, 1.

³³ *Ibid.*, 13 January 1670/1.

practised at Tangier. Mr. Luke dined out nearly every day; on Sundays he was usually invited to a small dinner-party given after morning service by Sir Hugh and Lady Anne Cholmley, who lived near the church, to the governor, the minister, and a few others. Lady Anne's parties were deservedly popular; she was 'exceeding good company' and kept an excellent table. On 11 December 1670, Mr. Luke wrote: 'Wee had an extraordinary good dinner, some wild bore baked in a pott the best of any I ever saw, good clarett, Houamore (?)³⁴ Rhenish, and a sort of mighty strong beere called blew John.' On 13 December Luke went to 'supper at Major Fairborne's' and had '2 ducks at my charge and 1 turkey at Mr. Staines', lost at play'. On the 14th he 'supped at Mrs. Elliot's with Major Fairborne and his lady, invited by Captain Lesley'. The following day, 'being the Papists Xmas day Major White had a greate dinner, but his Excellency being to prepare for tomorroee, which is his wedding-day, dined not at all.' But he 'went to Sir H. Cholmley's at night, stayed there till half-past nine, being treated with extraordinary good Anchovyess, potted wild boare, picked oysters, and admirable clarett'. December 16

Being his Excellency's wedding-day he made a dinner, invited Sir Hugh and his lady with severall of the officers' wives, in soe much that two tables were more than filled and 12 of us sat in the other roome. After dinner the Spanish comoedians acted a comoe dy which they performed very well, the best woman actor and one other exceedingly ugly, two of them indifferent. Sir Hugh and My Lady seemed very much pleased and did not part till seaven.³⁵

In spite of general poverty the Tangerines could usually contrive to put a good dinner before their friends. Prices were at times very high, but so long as commercial intercourse could be maintained with the Moors and Spaniards, there were

all manner of fresh provisions . . . as good as in England and as plentiful and cheap as in Ireland: the Beef and Mutton is not so generally fat, but as sweet and juicy as in any other place: Hens, Chickens, Capons, Geese, and Turkeys are extreemly plentiful and very good; the Pigeons very large and very fat; but the Ducks are certainly the best in the World: for being kept from puddles and dirty feeding and fatned with Oatmeal and Pease, the Flesh of them is quite changed in colour and taste.³⁶

French and Spanish wines and brandy were imported in considerable quantities; beer was usually sent from England. Fruit was grown in most of the gardens, but the soldiers lived

³⁴ This word is indistinctly written in the original manuscript.

³⁵ John Luke's Journal.

³⁶ *The Present State of Tangier*, p. 26.

chiefly on dried provisions contracted for and supplied by the victuallers.³⁷ Salt beef and pork, dried pease, oatmeal, biscuit, and cheese were the staple supplies sent from England or Ireland and served out to the men week by week, sometimes in very sparing quantity and often in bad condition. A great deal of illness in the garrison was the result of bad food, and it was said that some of the men actually died of starvation, though good fare could always be obtained, at least in time of peace, by those who had money to pay for it. Chocolate for drinking was a special dainty at Tangier; Lady Anne Cholmley used to make it to send home to her friends in England, with directions to 'mix it only with fair water and a little sugar if it is not sweet enough'.³⁸ When Mr. Shere arrived one morning from Spain, he was regaled by Alderman Gascoigne with 'chocolatte, bread and butter, and cold spareribb'.³⁹

The Rev. Henry Teonge, chaplain to H.M. frigate *Assistance* in 1675, records in his well-known diary so notable an instance of Tangerine hospitality that it may perhaps excusably be repeated here. The jovial chaplain, having visited the town in company with the ship's doctor and enjoyed 'good sack' with an old acquaintance, a captain in the Tangier regiment, was 'nobly entertayned' by Captain Daniell at Charles fort:

where first of all (writes the chaplain) he gave us a crust of excellent bread and 2 bottles of claret, then tooke us into his gardens. . . . Here we drank severall bottles of wine. After this he took us into his sellar, where he feasted us with rost beife cold, Westfalia polony pudding, parmezant; gave us cucumbers, musk-mellons, sallets, and a reive of Spanish onions as thick as my thigh; stowed us with good wine; and then, loath to let us goe, he sent one of his corporalls with us to see us safe to our pinnace. Such a hartly entertaynement I never saw before from a meare stranger, nor never shall againe till I returne to the prince-like Capt. Daniell.⁴⁰

Sundays and saints' days were regularly observed at Tangier; service was celebrated in the garrison church according to the liturgy of the church of England, by order of the Lords Commissioners for Tangier, but full religious liberty was allowed to all denominations by special command of the king.⁴¹ Religious jealousy was at times acute, but the toleration which was one

³⁷ Sir Denis Gauden, victualler to the navy, was given the contract for supplying the garrison of Tangier: Add. MS. 17021, f. 34. There are many entries concerning the victualling for Tangier in the *Calendars of State Papers, Domestic Series*, 1662-75.

³⁸ Sir Hugh Cholmley to Sir Joseph Williamson, 3 May 1671, Colonial Office 279, 14, f. 202.

³⁹ John Luke's Journal, January 1670/1.

⁴⁰ *Diary of Henry Teonge*, 15 July 1675, p. 32.

⁴¹ Instructions to the earl of Teviot, governor of Tangier, signed by the king, 2 December 1663, Colonial Office 279, 2, f. 169.

of the principles of Charles II's colonial policy was usually respected. In the days of the Portuguese there had been several churches and chapels in the town, but only two were maintained during the English occupation. One of these, 'a fine church, delicately beautified all round it with neat and costly Altars,' still belonged to a Portuguese Dominican monastery; the other, 'a pretty plain Chappell, formerly dedicated to St. Jago, and now to Charles the Martyr, is the Protestant Church, and very well filled on Sundays.'⁴² Every Sunday the mayor, 'the 2 baylyes before him instead of a mace,'⁴³ the six aldermen in scarlet gowns 'acquired at a great charge', and the twelve common councillors in purple, went up to the castle to meet the governor and attend him to church. Here the governor occupied the right-hand front pew, 'the military and their families' being immediately behind him, while the mayor and corporation sat on the left. This arrangement was made by special order of the Lords Commissioners.⁴⁴ Mr. John Luke, having described this ceremonious procession to church on a Sunday in December 1670, continues:

Mr. Turner after prayers tooke his text, 'The Sabbaoth was made for man, not man for the Sabbaoth,' on which he made a most unseasonable discourse against strict Sabbatarians, this place being without doubt inclined to too much liberty than an over-severe strictnesse.

Dr. Ken, who visited Tangier in 1683, assisted the then minister, Dr. Hughes, in his duties for a time; he preached at morning service one Sunday, and made, according to Samuel Pepys who went to hear him,

a very fine and seasonable, but most unsuccessful argument, particularly in reproof of the vices of this town. I was in pain for the Governor and the Officers about me in the Church, but I perceived that they regarded it not.⁴⁵

The reputation for morals and manners of the people of Tangier was no better than might have been expected in a population which united so many discordant elements, held in restraint only by the careless rule of constantly changing governors and the inefficient authority of a factious civil administration. Pepys paints in the blackest colours their violent quarrels, often ending in duels, and their dishonesty and lawlessness; and they seem to have been ill-thought-of at home: 'G. P.,' however, says that the townspeople 'live neatly and pleasantly and are of a kind and

⁴² *The Present State of Tangier*, p. 35.

⁴³ A mace and sword were conferred on the Corporation in 1675: Colonial Office 279, 17, 14 May 1675.

⁴⁴ Instructions to the Corporation of Tangier, approved in Council 20 January 1668/9 and sent on 30 June 1669; signed by James (Duke of York), Rupert P., Peterborow, Sandwich, Cholmley, S. Pepys, Povey, and Creed (Secretary): Colonial Office 279, 12, 163-6.

⁴⁵ Pepys' Tangier Journal, 30 September 1683 (*Smith's Life, &c., of Pepys*, i. 374).

hospitable disposition', and others were not wanting who spoke well of them.

The climate of Tangier, pleasant but enervating, was often unfavourable to the health of new-comers, who were, says 'G. P.', 'troubled with a flux', and 'welcomed constantly with strange Blisters and Pimples, like to the Small-Pox, which is generally attributed to the biting of Muskitoes (which are just the Gnats in some parts of England, but a little more pert)'. Some people, however, thought the affection 'to proceed from an Ebullition of the Blood, upon change of the Air'. Usually, in about six months' time, says another writer, 'our temper agreed exceedingly well with the temper of the climate.'⁴⁶ Bad colds were, however, prevalent at times; the illness which troubled the garrison during both the hot weather and the rains was often attributed to the climate, but there were other causes more than sufficient to account for any amount of disease. The 'flux and scurvy which made men die apace' are easily traceable to the salted meat, often in bad condition, which formed the staple part of the soldiers' rations; Colonel Kirke, governor of Tangier in 1681, asserted that 'more men had been killed by brandy than by the Moors';⁴⁷ the town was always in a most insanitary state; heaps of refuse were allowed to accumulate in the streets to breed the germs of disease, and little care was taken to preserve the purity of the water. There can be no doubt that dirt, hard drinking, and bad food caused uncounted deaths among the garrison and towns-people.

Towards the end of the reign of Charles II, when money, always scarce, failed altogether for the maintenance of Tangier, and the house of commons refused to grant supplies for the provision of a place which they regarded with suspicion as an asylum for papists and a training-ground for soldiers,⁴⁸ the king unwillingly decided to abandon the city and to demolish the fortifications and the Mole.⁴⁹ News of the decision was received by the Tangerines in the autumn of 1683 with mingled feelings of relief and regret. Few of them were settlers in the real sense of the word; many had come to regard Tangier as a prison, and rejoiced to return home; yet there were many who felt disappointment at the failure of their enterprise, and thought, as they saw the destruction of their work, that the place might as well have been abandoned without the waste of all the lives and treasure that were

⁴⁶ *A Description of Tangier*, 1664, British Museum Pamphlets, 583. c. 8. p. 35.)

⁴⁷ Pepys' Tangier Journal, 30 November 1683 (Smith, i. 454).

⁴⁸ Debate on His Majesty's message relating to Tangier, Monday, 15 November 1680, Anchtel Grey, *Debates in the House of Commons*, viii. 4-21.

⁴⁹ Instructions to the earl of Dartmouth, 1683. Dartmouth MSS., *Hist. MSS. Commission Report*, i. 83. 84.

expended on its service during the three last years of the English occupation. These feelings were expressed in the doggerel lines of 'Tangier's Lamentation'.⁵⁰

Now alas ! Tangier, that cost so dear
 In money, lives, and fortunes,
 See how the States, the kinder Fates,
 For thine own Fate importunes :
 Had this been *plotted* by the *Moors*,
 Alas, it were no matter,
 But blown up thus by thy own Store,
 Thou'd'st better swom in water.

The old Port Tangier, where for good cheer,
 We never paid extortion,
 Which whilst it stood was once thought good
 To be a Monarch's portion.
 Whilst *English* hearts thy walls possess
 They scorn'd e're to surrender,
 Now to the *Foes* is left, a Nest
 For Serpents to engender.

Of how many Souls and large Punch bowls
 Has this been the undoing !
 How many tun of precious Coin
 Lie buried in the Ruin ?
 Had this been done some years ago
 Of Horsemen and Postillions
 'T had sav'd some thousand lives the blow
 And sav'd beside some Millions !

E. M. G. ROUTH.

⁵⁰ 'The Tangier's Lamentation, to the tune of *The Tangier March*,' printed in the *Roxburghe Ballads*, v. 474 f. The tune is given in Nathaniel Thompson's *Choice Collection of 180 Loyal Songs*, p. 110 (1685) (British Museum, 11621, bb. 23).

Notes and Documents

A Latin Poem addressed to King Athelstan

MR. C. H. TURNER has printed from an eighth-century Durham MS. of the Vulgate gospels (A. ii. 17, fo. 31 b) what he rightly describes as 'the following remarkable verses':

✠Quarta dine gressus per maria navigans stellarumque spacium ad regem
spalacium
Regem primum salutem regem aditu nō clerum quoque conditum armites
milierum
Illic Sitric defuncto armatura prelio sex annū excersitum uiuit rex Adel-
stanum
Constantine.

On this he comments:

As I cannot profess to translate these metrical attempts, I may have deciphered them wrongly or divided words wrongly. But the names Sitric, Athelstan, and Constantine fix the date clearly enough to the earlier half of the tenth century. Sitric or Sihtric, a great Norse chief and leader of expeditions, settled in northern England as ruler of Danes and Northumbrians and married the sister of Athelstan, king of Wessex, dying soon after in 927. His death is clearly alluded to in the third line, and no less clearly a period of six years, or an event at the end of six years, after it. This brings us to the battle of Brunanburh in 934, in which Athelstan defeated Constantine, king of Scotland, and became undisputed ruler of Northumbria. It was this same Athelstan who offered gifts at the tomb of St. Cuthbert, some of which are still to be seen in the Chapter library at Durham.¹

Mr. Turner says nothing of the age of the handwriting of the copy of this strange poem, but, from such spellings as *spacium* and (*s*)*palacium*, it can hardly be earlier than the latter part of the twelfth century. There is an older copy of these lines in the Cottonian MS. Nero, A. ii, fo. 8 verso (olim 10 verso), which has been printed several times.² They are written therein in a bold

¹ *Journal of Theological Studies*, x. 537 (1909).

² Wright, *Reliquiae Antiquae*, 1843, ii. 179; thence in *Édéléstand du Ménil, Poésies populaires latines antérieures au douzième siècle*, Paris, 1843, p. 270; Stubbs,

Old English hand, which cannot be dated much later than the middle of the tenth century, when Latin began to be written by English scribes in a modification of the Caroline minuscule. The scribe was very ignorant or amazingly careless, and the text preserved by him, although in many respects superior to the Durham copy, is so corrupt as to be untranslatable. As the Durham scribe has omitted line 3, so it is possible that the Cottonian copyist has also overlooked a line or lines in his original. There is a remarkable dearth of verbs. The Cottonian MS. is a composite one, made up, as a prefatory note records, by Sir Robert Cotton. Hence the latter part³ has no connexion with the earlier; the two are simply bound together because the pages were of the same size, small and narrow. The poem is written on the first gathering of the volume, and is followed by a Latin prayer placed in the mouth of Athelstan,⁴ which is written in the same hand. The first part of the gathering is taken up by an Old English calendar,⁵ written in another, but contemporary, Old English hand, followed by chronological rules, written in Old English Caroline minuscules. The text appears in the manuscript as follows :

Carta dirige gressus permaris et nauium telluris que spatium ad reges
palatum ;
Regem primum salute, reginem et clitanum clarus quo que committis
militis armieros ;
Quo rum regem cum Æpelstanum ista per fecta Saxonia vivit rex Æpel-
stanum per fecta gloriosa ;
Ille Sictric defunctum armatum inprelia Saxonum exercitum per totum
Bryttanium ;
Constantinus rex Scottorum et velum Bryttanium salvando regis Saxonum
fideles servitia ;
Dixit rex Æpelstanus per Petri preconia sint sani sint longe in salvatoris
gratia.

An examination of this poem will show that four out of the six lines as they are written in the manuscript consist of twenty-eight syllables, another of twenty-nine, and the remaining one of thirty-two. If we excise the *Æpelstanus* of this line as a gloss, we obtain another twenty-eight syllable line. It is clear that these long lines each represent two strophes of fourteen or fifteen syllables, which are bound together by assonance, that is, two or three final syllables in which the vowels but not the

Memorials of St. Dunstan (Rolls Series), p. xii, note ; Birch, *Cartularium Saxonicum*, ii. 331 (where the manuscript reference is wrongly given as Cott. Nero A. xi).

³ Described in the *British Museum Catalogue of Latin MSS.*, p. 54.

⁴ Printed by Stubbs and Birch.

⁵ Not noticed by Ferdinand Piper, *Die Kalendarien und Martyrologien der Angelsachsen*, Berlin, 1862, or by Hampson, *Medii Aevi Kalendarium*, London, 1841.

consonants agree in sound. The lines represent a poetic form that was in use from the seventh to the eleventh century, which has developed from the classical tetrameter with the substitution of accent for quantity, the first eight syllables and the second seven syllables of the accentual tetrameter being treated as separate rhythmical forms, so that we get poems composed entirely in long lines consisting of two halves each of seven or eight syllables. This fashion of verse, like most other things, has been claimed as of Celtic origin, but the extensive researches of Wilhelm Meyer has led him to reject this view. In this class of verse the influence of the accent was so great that, although formed upon a trochaic or iambic base, the counting of the syllables was more important than their accentual form, provided that in the licences enjoyed by the poets two accented syllables never came together and that the last two syllables of the half-lines should be accentual iambs or trochees as required by the number of syllables in them and the rhythm employed.⁶ The present poem is clearly intended to be such trochaic fourteen- or fifteen-syllable full lines, with occasional caesural assonance as well as final assonance in the strophes. From its corrupt state there are several irregularities.

The form of the poem, an invocation to the *charta* to cross the sea and to convey to the king and his court the author's greetings and good wishes, was a favourite one with the Carolingian court poets. The fashion is derived ultimately from Ovid,⁷ or perhaps even from Horace,⁸ but the real model seems to have been Martial, who, in addition to his fondness for addressing his *liber* or *libellus*,⁹ occasionally charges it with messages to his friends.¹⁰ This form of poem was frequently used by our own Alcuin,¹¹ and it is also found among the works of Paul the Deacon

⁶ Wilhelm Meyer aus Speyer, *Gesammelte Abhandlungen zur mittellateinischen Rhythmik*, Berlin, 1905, i. 174 *seqq.*

⁷ *Tristia* i. 1. 15.

⁸ *Epp.* i. 20.

⁹ *Epigr.* iii. 2; iv. 86, 89; xi. 1.

¹⁰ iii. 4, 5 (embodying part of Ovid's *Tristia* i. 1, 15). In i. 70 we have a closer parallel (which, it may be noted, is found in the ninth-century florilegium in the Codex Thuanus and was known to Hrabanus Maurus, note 15 below):

Vade, salutatum pro me, liber: ire iuberis
ad Proculi nitidos, officiose, lares, etc.

But x. 104 is even nearer in form:

I nostro comes, i, libelle, Flavo
longum per mare, sed faventis undae,
et cursu facili tuisque ventis
Hispanae pete Tarraconis arces, etc.

¹¹ *Poetae Latini Aevi Carolini*, ed. Dümmler (*Monum. Hist. Germ.*), i. 220, no. iv; p. 248, no. xxx; p. 259, no. xlvi; p. 260, no. xlviii; p. 284, no. v; p. 296, no. lxxiv, 25-8. Cf. p. 260, no. xlvii; p. 267, no. lv, 3.

and Peter,¹²Theodulf,¹³Ermoldus Niger,¹⁴and Hrabanus Maurus.¹⁵ A poem of this nature addressed to Charles the Great¹⁶ has clearly been the model upon which the Athelstan poem is founded. It runs as follows :

	Carta, Christo comite, ad Caesaris splendidum fer salutes Caesari gloriosi pueris	per telluris spatium nunc perge palatium, ac suis agminibus, sacrisque virginibus.
5	Via pergens prospera prona coram Caesare dic, ut Caesar Karolus Sit sanus, sit longaeuus Dic, regnator omnium	per Christi suffragia verba dicas talia : per Petri praeconia ¹⁷ sit felix victoria. det sibi subsidium, dilatet imperium.
10	confortet, custodiat Dic, ut fautor fuerat fiat Christus Karolo Dic, regales pueri sint sani, sint longaeui	iustis rite regibus, ac sibi fidelibus. per prolixa spatia Salvatoris gratia. digni, dic, honoribus genitoris moribus.
15	Sint coronae regiae felices ac victores Regalibus puellis, sit sancta, sit sobria Christus amat virgines	dic, fiat sublimitas, sit vera virginitas. propter castimoniam. in futuro gloriam.
20	Det, ut illis promiserat, Dic, protegat dominus regem, clerum, comites Post haec, carta, Caesarem de me Christi servulo	sic Francos armigeros, milites belligeros. rogatu continuo sit memor exiguo.

¹² *Poetae Latini Aevi Carolini*, i. 69, no. xxxv (cf. p. 75, no. xlii ; p. 76, no. xlv).

¹³ *Ibid.* p. 527, no. xxxvi.

¹⁴ *Ibid.* ii. 79.

¹⁵ *Ibid.* ii. 173 (which is clearly modelled on Martial, i. 70, a fact that has escaped Dümmler) ; p. 177, no. xv : cf. p. 204, no. xl. Compare also Engelmod, in iii. 55, and Aldhelm in his enigma 'De Penna' (*Opera*, ed. Giles, p. 261).

¹⁶ *Ibid.* i. 399, no. iv ; Zeuss, *Grammatica Celtica*, ed. Ebel, p. 948, from Cardinal Mai, *Auctores Classici*, v. 412. The manuscript, which is now in the Vatican, formerly belonged to Christina, queen of Sweden, and before her to Alexander Petau, and is of the ninth or tenth century. Dümmler makes this the fourth of the poems ascribed to 'Hibernicus Exul', who has been long identified with Dungal. Traube, *O Roma Nobilis* (*Abhandlungen der k. bayerischen Akademie der Wissenschaften*, I. Cl. xix. ii, p. 332), distinguishes four scholars of this name, and ascribes Dümmler's I and II to Dungal of St. Denis (p. 334), in which monastery one of the collections of poems forming the Vatican MS. was, he thinks, formed. No. II appears in the manuscript with the superscription 'Hibernicus Exul', and the authorship of III and IV has been assigned to him on the ground of this superscription, although two pages, the centre of the quire, have disappeared between them and II. No. III, also verses to Charles, is assigned by Traube (p. 334) to Motharius, while he detects the name of the author of IV in the line *per Petri praeconia*. See also his *Karolingische Dichtungen*, Berlin, 1888, p. 103. By similar reasoning we might ascribe the Athelstan poem to another Peter, but the author of the latter seems, perhaps correctly, to have associated this line with St. Peter.

¹⁷ Dümmler strangely prints Mai's *perpeti praeconio* for the manuscript *per Petri praeconie*. Martène's emendation *praeconia* restores the assonance and is supported by the Athelstan poem.

With its aid we may venture upon a partially emended text of the Athelstan poem as follows, italicizing the borrowings:

✱ <i>Carta, dirige gressus</i> ¹⁸	<i>per maris et navium</i>
<i>tellurisque spatium</i>	<i>ad regis palatium.</i>
<i>Regem primum saluta,</i>	<i>reginam et clitonem,</i>
<i>clerum quoque comites</i>	<i>armigeros milites.</i>
5 <i>Quorum regem cum ista</i>	<i>perfecta Saxonia</i>
<i>vivit Rex Æpelstanus</i>	<i>per facta gloriosa.</i>
<i>Ille Sictric defunctum</i>	<i>armatum in proelio</i>
<i>Saxonum exercitus</i>	<i>per totum Bryttanium.</i>
<i>Constantinus, Rex Scottorum</i>	<i>et velum Bryttanium</i>
10 <i>salvando regis Saxonum</i>	<i>fidelis servitia.</i>
<i>Dic, ut Rex Æpelstanus</i>	<i>per Petri praeconia</i>
<i>sit sanus, sit longaeuus</i>	<i>Salvatoris gratia.</i>

C = Cott. Nero A ii. D = Codex Dunelmensis. DuM = Du Ménil.

1 *crucem om. C* Quarta D *dine (ex bipige male lecto) D* *grossum coni.* DuM *maria D et navium] navigans D: fluminum coni. DuM*

2 *tellurisque] stellarumque D* *spatium C* *reges C* *palatum C: spalacium D*

3 *primum regem coni. DuM* *salute C: salutem D* *reginem C* *clitonem coni. DuM: clitanum C: aditu n 6 (an ex et clitonem?) D*

4 *clarus C: claros coni. DuM* *commitis C: conditum D* *armigeros milites coni. DuM: militis armieros C: armites milierum D*

5 *om. D* *Quorum ista perfecit cum rege Saxonum coni. DuM* *post regem exhibet Æpelstanus C, quod omisi (vide supra)*

6 *om. D* *Rex Æthelstanus vicit coni. DuM* *Æpelstanum C* *fecta C*
7 *Illic D* *Sitric D* *defuncto D: defunctus coni. DuM* *armatura D: armatus coni. DuM* *in om. D: ad coni. DuM* *prelia C: praelia coni. DuM*

8 *sex annū D* *exercitum C: excersitum, post quod habet vivit rex Adelstanus (= vers. 6), omissis per totum Bryttanium D* *in tota Britannia coni. DuM*

9 *Constantine D, qui hic desinit* *rex Scottorum om. DuM* *post velum coni. dedit e DuM*

10 *fideles C*

11 *dixit C*

12 *sint sani, sint longe in C (longius coni. DuM)*

The object of the poem is sufficiently clear. It is a greeting from some oversea poet, probably a resident in Frankland. The reputation of Athelstan in western Europe was well established by the important matrimonial connexions of his sisters, and by his own successful rule. In 928 he dispatched Cenwald, bishop of Worcester, with gifts 'to all the monasteries of Germany', according to the record of St. Gall,¹⁹ and in 933 the monks of St. Bertin who fled from the face of reform sought a refuge with him, and were rewarded by him with the monastery of Bath (*Ad Balneos*).²⁰ The poem was obviously written after the

¹⁸ Vergil, *Aeneid* v. 102 'huc dirige gressum.'

¹⁹ *Liber Confraternitatum Sancti Galli, Augiensis, Fabariensis*, ed. Piper, *Monum. Hist. Germ.*, 1884, p. 136; Stubbs, *Registrum Sacrum*, ed. 2, p. 25, from an inferior text.

²⁰ Folcuini *Gesta Abbatum Sancti Bertini Sithiensium*, c. 107 (Pertz, *Monum. Hist. Germ.*, 'Scriptores,' xv. 629).

defeat of Sictric of Northumbria, which is recorded in the chronicle under 926, and it seems to be earlier than the battle of Brunanburh, where Constantine, the Pictish king, was defeated, for in this poem he is regarded as a friend of the great English king.²¹ It would also seem to be earlier than 934, when Athelstan ravaged Scotland. Birch has connected it with the record in the chronicle D under 926 of the death of Sictric and of the commendation of Constantine and other Celtic kings and Norse chiefs to Athelstan at Emmot. As it is the work of a continental poet, and is not, as Birch rashly states, a 'translation of an Anglo-Saxon poem', it is most likely subsequent to the mission of Bishop Cenwald to the German monasteries, when the details of Athelstan's triumphs would be made known on the continent. The theory that the poem, which refers to these 'glorious deeds', was written by a poet who was thrilling with gratitude for Athelstan's gifts seems to me, on the whole, the most satisfactory.

W. H. STEVENSON.

A Dated Charter of Henry I

DATED charters of the Norman kings are so rare that they are naturally viewed with suspicion; the charter on the next page, therefore, is reproduced from a photograph that there may be no doubt about its authenticity; and a Lincoln charter, of which an account was given in this Review¹ by Mr. W. H. Stevenson in 1906, is placed below it for purposes of comparison.

The dated charter is preserved at Ely; it has suffered from damp, and is now so brittle that it cannot be handled safely; but if it was mounted by an expert some of the letters which are now invisible might be recovered. It may be restored as follows:

Hen' rex Anglorum Mauritio Lon[doniensi episcopo &] Hugoni de Bochland uicecomiti de Herefortsira & omnibus fidelibus suis tam clericis [quam] laicis salutem. Sciatis Ricardum abbatem de Eli diratiocinasse aduersus Rannulfum Dunelmensem episcopum manerium de Haddham in curia mea apud Romesi coram me & baronibus meis ad dominium sancti

²¹ The plural *sint sani, sint longe in* of the manuscript in the last line might perhaps be thought to include Constantine in the good wishes of the author. Unless there is some omission, it would rather seem that the author's eye has leapt from line 7 of the poem to Charles to line 14 (which supplies the second half of the line). It is remarkable that the reading of the manuscript of the Athelstan poem *dixit for dic ut* in line 11 also occurs in line 7 in the manuscript of the poem to Charles, a fact that suggests a very close relationship between the two, if not actual copying from the manuscript of the latter.

¹ Vol. xxi. 508.

& Iohanne episcopo Badue & Radulfo episcopo Cicestrie & Waldrico [cancellario], D[avid] capellano, Eurardo capellano filio Comitiss, & Iohanne capellano Baiocensi & [Thom]a capellano, & Oino capellano & Eudone dapifero & Hamone dapifero & Rogero Bigot [dapifero] & Waltero filio Ricardi & Rotberto Malet & Henrico de Port, & Osberto uicecomite, & Rotberto Peccato & Hugone de Bochland & Rogero de Ouili & Petro de Ualoniis & Goisfrido Ridel & Aluredo de Lincolnia & Willelmo Peurel de Doura & Willelmo Peurel Lond' & Hardingo filio Alnodi & Edwardo camerario, apud Romesi quinto anno coronationis Henrici regis.

Two of the names are very doubtful, David capellanus and Roger de Ouili. It is not known that the king had a chaplain of the name David, or of any name beginning with D, but in the Binham cartulary (Cott. MS. Claud. D. xiii) there is a charter of Henry I, evidently of the first half of his reign, which is attested among others by

Hamo dap', Will' de Alb', Nig' de Alb', Nig' de Oilly, Rog' fil' Ric', Rog' de Oilly, Humf' de Alb', Daud, Will' de Curceio, Walt' fil' Ric', Will' Peurell Lond', Pag' Peurell, Othueri, Will' Peurell de Doura, Oini capell', &c.

This unknown David may have been a chaplain, though the title is not given him. As we know that Roger de Oilly was at Romsey in the spring of 1105, we are tempted to think that the illegible letters represent his name.

The charter is dated 'at Romsey, the fifth year of the coronation of King Henry', i.e. 5 August 1104 to 5 August 1105; but these limits can be narrowed. In 1104 the king was in Normandy, and only returned to England late in the autumn;² again he crossed to Normandy in the spring of 1105 and landed between 2 April and 8 April;³ nor did he return until 1106. The charter was probably issued in February or March 1105. After keeping his Christmas at Windsor, the king prepared to cross to Normandy; it seems that he sailed from Romsey or from some neighbouring port such as Eling, and that he spent some time on the coast, either because the wind was unfavourable or because he might not begin military operations until Lent was over. In the Chronicle of Abingdon⁴ there is a charter of the king issued at Romsey 'anno dominice Incarnationis MCV', and witnessed by Ranulf, bishop of Durham, John, bishop of Bath, Roger de Oily, and some others who witness the Ely charter. There is also a charter to Thetford Priory⁵ issued on 13 February, 'apud Ramesei in transitu regis,' where 'Romesei' should be read; as it is attested by Roger, bishop of

² *ante hiemem*, Orderic, p. 806 (ed. Migno).

³ *in ultima Quadragesimae septimana*, *ibid.* p. 806.

⁴ Vol. ii. 126 (Rolls Series).

⁵ Dugdale, *Monasticon*, v. 149.

Salisbury, it cannot be earlier than 1104, and if 'Walterus Cancellarius' means Waldric, the date cannot be later than 1106. But as the king did not cross to Normandy in 1104 until after Whitsunday, the charter must be of 13 February 1105.

The charter recites that by a verdict of the king's court the abbey of Ely had secured the manor of Little Haddham, Hertfordshire, against Ranulf, bishop of Durham. It is addressed to Hugh de Bochland, sheriff of Hertfordshire. The Abingdon Chronicle tells us⁶ that he was an honest and upright man, and was sheriff of eight counties. He was certainly sheriff of Berkshire,⁷ Middlesex,⁸ Buckinghamshire,⁹ Bedfordshire,¹⁰ Hertfordshire,¹¹ and Essex.¹² The other two counties are uncertain. It might be expected that he would be sheriff of Oxfordshire, which in later times was generally held with Berkshire; but we learn from the Chronicle of Abingdon that in the early years of Henry I the sheriff of Oxford was named William. Nor was he sheriff of Huntingdonshire; for the Romsey cartulary shows that Roger was sheriff in 1104 and Gilbert shortly after. Probably Hugh was sheriff or head sheriff of London; for he is addressed first among the four chief officers of London, though the title *vicecomes* is not used.¹³ It is possible that the eighth county was Northamptonshire: certainly there was a sheriff named Hugh about 1110;¹⁴ but it seems more likely that this was not Hugh of Bochland, but Hugh of Leicester, who is addressed¹⁵ by Henry I as a high official in Northamptonshire. A peculiar feature of the Ely charter is the large number of sheriffs among those who attest. Hamo *dapifer* was sheriff of Kent;¹⁶ Osbert was sheriff of Lincolnshire¹⁷ and Yorkshire;¹⁸ Henry de Port, of Hampshire;¹⁹ and Edward of Salisbury of Wiltshire.²⁰ Perhaps the sheriffs had come to Winchester to render their half-yearly account.

It is noticeable that in three cases the see of a bishop is described by a substantive in the genitive case instead of an adjective, as in later times. Of the chaplains who attest this deed, Oinus of Bayeux was made bishop of Evreux in 1113, and Thomas archbishop of York in 1109; Everard Fitz-Count used to be identified with Everard, bishop of Norwich, but

⁶ Vol. ii. 117 (Rolls Series).

⁷ *Ibid.* p. 64.

⁸ *Ibid.* pp. 56, 75.

⁹ *Ibid.* pp. 98, 106.

¹⁰ *Cartularium Monasterii de Ramscia*, i. 246 (Rolls Series).

¹¹ *Here and Charter Rolls*, iii. 20.

¹² *Monasticon*, i. 164.

¹³ *Cartularium Monasterii de Ramscia*, i. 130, 133. Cf. Round, *Geoffrey de Mandeville*, p. 309. In Mr. Round's *Calendar of Documents in France*, p. 503, he seems to be styled 'sheriff of London'.

¹⁴ *Monasticon*, vi. 1273.

¹⁵ *Ibid.* vi. 1274.

¹⁶ *Ibid.* i. 164.

¹⁷ *Ibid.* vi. 1274.

¹⁸ *Ibid.* vi. 1179.

¹⁹ *Calendar of Documents in France*, p. 54.

²⁰ *Ibid.* pp. 66, 70.

the identification is very doubtful. These chaplains of Henry I did not, it appears, serve the king's chapel, for some of them were not in priest's orders. We read of John, archdeacon of Sééz, who fled to Henry I in 1105 and became one of his chaplains, that he was a deacon (*levita*), and was ordained priest in 1107;²¹ while Sampson, who had been one of the conqueror's chaplains, was not even a deacon.²²

If the writing of the two charters is examined, especially if attention is paid to the tail of the letter *g*, one of the best means of distinguishing hands, it will be seen that they are not by the same writer. But in one point they corroborate each other; they both begin with the abbreviation *Henr'*, which is most unusual. It would be interesting to notice whether all the charters of Henry I during the first five or six years of his reign began in this manner.

H. E. SALTER.

Adelard of Bath

ADELARD OF BATH, the pioneer student of Arabic science and philosophy in the twelfth century,¹ and 'the greatest name in English science before Robert Grossetete and Roger Bacon',² remains a dim and shadowy figure in the history of European learning. The older writers upon literary history give lists of works attributed to him, but they tell us nothing of his life beyond the fact that he lived under Henry I and travelled in various distant lands;³ and while more recent studies have made clear his place in the history of medieval philosophy,⁴ no one has yet examined his work as a whole or tried to sift the ascertainable facts in his biography.⁵ Except for a bare mention in the

²¹ Orderic, p. 834.

²² *The Priory of Hexham* (Surtees Soc.), i. 51.

¹ Plato of Tivoli's version of the *Liber embadorum* of Savasorda has been declared earlier than any of Adelard's translations, but the date 1116 assigned to it by the editor (Curtze, in *Abhandlungen zur Geschichte der mathematischen Wissenschaften*, xii. 5) and generally accepted (Steinschneider, in *Sitzungsberichte* of the Vienna Academy, phil.-hist. Kl., cxlix. 4, p. 62 f.; Björnbo, in *Bibliotheca Mathematica*, third series, iv. 332; Nallino, *Albatenii Opus astronomicum*, i. lv-lvi) is plainly a scribe's error for 1145—DX of the Hegira instead of DXL—as appears from the position of the sun and planets on 15 Safar (p. 182 of the edition).

² Wright, *Biographia Britannica Literaria*, ii. 94.

³ Tanner, *Bibliotheca Britannico-Hibernica*, p. 55, reproduces Leland's account, with notes drawn from Bale, Pits, Oudin, and his own reading.

⁴ Jourdain, *Recherches sur les Traductions latines d'Aristote* (Paris, 1843), pp. 97-9, 258-77, 453 f.; Hauréau, *Histoire de la Philosophie scolastique*, i. 348-61; Willner, *Des Adelard von Bath Traktat De eodem et diverso*, in *Beiträge zur Geschichte der Philosophie des Mittelalters*, iv. no. 1 (Münster, 1903); De Wulf, *Histoire de la Philosophie médiévale*, p. 193 f.

⁵ The best account is still that of Wright (ii. 94-101), supplemented by Boncompagni in *Bullettino di Bibliografia e di Storia delle Scienze matematiche*, xiv. 1-90.

Pipe Roll of 1130—and even this has been doubted⁶—Adelard is known only from his own writings, which consist in part of translations and in part of more or less independent treatises, and a revised list of these is the necessary point of departure for any further study. We may with some confidence ascribe to him the following :

1. *De eodem et diverso*. Edited, with commentary, from the unique MS. by Willner, in *Beiträge zur Geschichte der Philosophie des Mittelalters*, iv. 1.⁷ Besides the evidence of the dedicatory letter and the title, Adelard's authorship is established by the following passage in his *Astrolabe* :

Sunt autem et alie metiendi corpora demonstrationes, sed quoniam ille in illo libro quem de eodem et diverso scripsimus dicte sunt magisque geometrice quam astrolabice dici possunt, hic supersedendum esse decernimus.⁸

The *De eodem*, written near Tours while the author is still *iuuenis*, is one of Adelard's earliest works. He has already travelled widely, but there is no intimation that he has wandered further than southern Italy and Sicily,⁹ and he shows the influence of Greek rather than of Arabic learning. More definite evidence respecting the date is afforded by the dedication to William, bishop of Syracuse, who is last found in 1115 and whose successor is in office in the following year.¹⁰ The date of his accession is more difficult to determine, in the scarcity of Syracusan documents from this period : he is first mentioned as bishop at the Lateran Council of March, 1112,¹¹ but as he there represented the whole body of Sicilian prelates, he had doubtless been in office for some time, perhaps since 1104, when Pirro places the death of his predecessor. Furthermore, Adelard speaks of having played the *cithara* before the queen in the course of his musical studies in France the preceding year,¹² and as there was no queen of France between the death of Philip I in 1108 and the marriage of Louis VI in 1115,¹³ the treatise, unless the bishop of Syracuse was still alive in 1116,

⁶ Wright, p. 97 n.

⁷ Extracts in Jourdain, pp. 260-73, 452-4.

⁸ British Museum, Arundel MS. 377, f. 70. The demonstrations will be found on pp. 29-31 of the edition of the *De eodem*.

⁹ P. 33: 'Et ego certe, cum a Salerno veniens in Grecia maiore quendam philosophum grecum, qui pre ceteris artem medicine naturasque rerum disserebat, sententiis pretemptarem.' Cf. p. 32: 'Quod enim gallica studia nesciunt, transalpina recerabunt; quod apud latinos non addisces, Grecia facunda docebit.' There is nothing here to justify the usual interpretation (Jourdain, p. 97; Wright, p. 95) that Adelard visited Greece. Much for his purposes was to be found in southern Italy and Sicily; see Haskins and Lockwood, *The Sicilian Translators of the Twelfth Century and the First Latin Version of Ptolemy's Almagest*, in *Harvard Studies in Classical Philology*, xxi. 75-102.

¹⁰ Pirro, *Sicilia sacra* (1733), i. 620, ii. 799; Garufi, *I Documenti inediti dell' Epoca normanna*, pp. 10, 14; Caspar, *Roger II*, pp. 488, 491, nos. 25, 33; Chalandon, *Histoire de la Domination normande*, i. 364.

¹¹ 'Wilhelmus Siracusanus legatus pro omnibus Siculis': *Constitutiones et Acta Publica* (*Monum. Germ. Hist.*), i. 572.

¹² P. 25: 'Cum preterito anno in eadem musica gallicis studiis totus sudares [Philosophy is addressing Adelard] adessetque in serotino tempore magister artis una cum discipulis, cum eorum roquineque rogatu citharam tangeres.'

¹³ It is possible, but not likely, that the title may have been here given to Bertrada after Philip's death; nor, between 1108 and 1115, could either of Philip's daughters have been meant.

would not be later than 1109. The general probabilities of Adelard's life favour this early date.

2. *Regule abaci*. Edited by Boncompagni in *Bullettino di Bibliografia e di Storia delle Scienze matematiche*, xiv. 1-134. This evidently belongs to the earlier part of Adelard's life, for its authorities are Boethius and Gerbert, and it shows no trace of Arabic influence.

3. *Questiones naturales*. Numerous manuscripts and three early editions.¹⁴ The dedication to Richard, bishop of Bayeux, together with the mention of Henry I,¹⁵ fixes the date between 1107 and 1133. It is posterior by at least seven years to the *De eodem et diverso*—and hence was not written before 1111—for the author says that this interval had elapsed since he gave up lecturing in the schools of Laon in order to devote himself to the study of the wisdom of the Arabs.¹⁶ He has long sojourned in the East, and mentions Tarsus and Antioch as places which he has visited.¹⁷ The treatise was evidently written immediately after his return to England from the East; very possibly Adelard has now settled at Bath, for he calls himself *Batoniensis*.¹⁸ The statement that Henry I was king when he returned would seem to imply that he originally left England for his studies in France before Henry's accession.

4. *Ezich Elkauresmi per Adelardum bathoniensem ex arabico sumptus*, a translation of the astronomical tables of Mohammed ben Musa al-Khuwarizmi, apparently as revised by Maslama at Cordova.¹⁹ Bodleian MS. Auct. F. 1. 9 (Bernard, no. 4137), ff. 99 v-159 v, a fine manuscript of the twelfth century; Chartres, MS. 214, ff. 41-102, likewise of the twelfth century; Bibliothèque Mazarine, MS. 3642, ff. 82-7, incomplete; Madrid,

¹⁴ Louvain, without date, but probably 1480, 1484, 1490 (Hain-Copinger, i. no. 85, ii. no. 26; Proctor, nos. 9219, 9260; Pellechet, no. 48). On the question of other editions and a Hebrew translation, see Steinschneider, *Die hebräischen Uebersetzungen des Mittelalters* (Berlin, 1893), p. 463 f. The printed text is poor (cf. Soury, in *Bibliothèque de l'École des Chartes*, lix. 417); I have used MS. Lat. 6415 of the Bibliothèque Nationale, saec. xii. It is supposed that the Eton MS. is the original manuscript of Adelard (James, *Catalogue of the Library of Eton College*, p. 88, no. 161).

¹⁵ See the preface printed in Martène and Durand, *Thesaurus Anecdotorum*, i. 291.

¹⁶ 'Meministi nepos quod septennio iam transacto cum te in gallicis studiis pene puerum iuxta Laudisudunum una cum cunctis auditoribus meis dimiserimus, id inter nos convenisse ut Arabum studia ego pro posse meo scrutarer, tu vero gallicarum sententiarum inconstantiam non minus acquirereres.'

¹⁷ C. 32: 'Cum enim nuper a parte orientali venires qua causa studii diutissime steteras.' C. 16: 'Audiavi enim quendam senem apud Tharsum Cilicie.' C. 51: 'Cum semel in partibus Antiochenis pontem civitatis Manistræ transires, ipsam pontem simul etiam totam ipsam regionem terræ motu contremuisse.'

¹⁸ C. 28: 'Non stoicum me sed batoniensem dico, quare non stoycorum errata sed meum intellectum docere debeo.'

¹⁹ The Mazarine MS. has 'Liber ezich ifafaris elkauresmy', which led Wüstenfeld to ascribe the tables to Abu Ma'ashar Dja'afar; *Die Uebersetzungen arabischer Werke in das Lateinische*, in *Abhandlungen of the Göttingen Academy*, xxii. 21. See, however, Steinschneider, *Hebr. Uebersetzungen*, pp. 568-70; Suter, *Die Mathematiker und Astronomen der Araber*, in *Abhandlungen zur Geschichte der Mathematik*, x. 11; Nallino, *Al-Huwarizmi*, in *Atti dei Lincei*, fifth series, ii. 11. That Maslama's edition was used by Adelard is seen from the mention of Cordova in the tables (Bodleian MS., f. 136 v) and the use of the era of the Hegira in place of that of Yezdegerd. The mention of the Spanish era is also noteworthy. The treatise begins: 'Liber iste septem planetarum atque draconis statum continet. . . '.

Biblioteca Nacional, MS. 10016, of the thirteenth century, formerly in the cathedral library at Toledo. Adelard's introduction was written in 1126, which year is taken to illustrate the relation of the Arabic year to the Roman :²⁰

Anno ab incarnatione domini .M.CXXVI. die ianuarii .xvi. prima fuit dies Almu-harran et feria tertia. Annus autem arabicus .D^m XX.

This translation is also mentioned in his *Astrolabe* :²¹

Qualis igitur sit examinatio cuncta in eo libro qui ezie intitulatur quam (sic) ex arabico in latinum convertimus sermonem reperies.

5 (?). *Liber ysagogarum Alchorismi in artem astronomicam a magistro A. compositus*. Bibliothèque Nationale, MS. Lat. 16208, ff. 67-71; Milan, Ambrosian Library, MS. A. 3 sup., ff. 1-20, saec. xii; Munich, Hofbibliothek, Cod. Lat. 13021, ff. 27-68v, Cod. Lat. 18927, ff. 31 ff.; Vienna, Hofbibliothek, MS. 275, f. 27 (fragment).²² This consists of an introduction, in five books, explaining the principles of arithmetic, geometry, music, and astronomy (hence in the Ambrosian MS. it is entitled *Liber ysagogarum Alchoarismi ad totum quadrivium*), followed in the Munich MSS. by a much more extended treatise of three books on astronomy. The first three books of the introduction, which are interesting for the history of arithmetic, have been published by Curtze, in *Abhandlungen zur Geschichte der Mathematik*, viii. 1-27. As one of the Munich MSS. is of the middle of the twelfth century and the table of eras in Book V is of the year 1115, this work belongs to Adelard's generation, and he is the only man bearing his initial who is known to have been at that time occupied with such translations. If Adelard is the author, Tannery²³ has suggested that the small knowledge of geometry shown in the introduction points to the period in his life when, although already familiar with Al-Khuwarizmi, he had not yet mastered the Arabic text of Euclid. The astronomical treatise has not yet been specially studied.²⁴

6. The translation of Euclid's *Elements*. Numerous manuscripts,²⁵ show-

²⁰ Bodleian MS., f. 159. In the present form of the manuscript this folio follows the explicit on f. 158 v, but close examination shows that it was misplaced and in binding inserted at the end, whereas the text proves that it belongs after f. 99. The reference to the year 1126 is omitted in the Chartres and Mazarine MSS., which, however, announce in the second chapter a table 'per quam ab eo anno quo hic liber in nostrum sermonem translatus est usque in tempora infinita ex annis quotlibet romanis et mensibus cum diebus annorum et mensium et dierum arabicorum equalitas summi queat'.

²¹ Arundel MS. 377, f. 69. So f. 70 v: 'Adhuc de umbris habeo que dicerem, sed quoniam in ezie sufficienter diserta sunt labellum comprimam.' F. 72 v: 'Hoc et auxiliante ezie astrolabio demonstrabitur.'

²² This page, with its early forms of Arabic numerals, is published in facsimile by Nagl, *Zeitschrift für Mathematik und Physik*, xxxiv. sup., p. 129.

²³ *Bibliotheca Mathematica*, third series, v. 416. The inclusion of the era of Spain in the table may point to the Spanish derivation of the treatise.

²⁴ It is not mentioned in the lists of Al-Khuwarizmi's works given by Nallino and Steinschneider (see above, p. 493, n. 19). It begins and ends: 'Quoniam cuiusque actionis quantitatem temporis spacium metitur, celestium motuum doctrinam querentibus eius primum ratio occurrit investiganda. . . . Divide quoque arcum diei per 12 et quod fuerit erunt partes horarum eius, si Deus inveniri consenserit.'

²⁵ Several are indicated in *Bull. di Bibl. delle Scienze mat.*, xiv. 83.

ing considerable differences in text and arrangement. In working from the Arabic Adelard would seem to have made some use of an earlier version from the Greek, but his relations to this and to later versions require investigation, nor is it clear, pending a comparison of the manuscripts, whether in its original form his own work was an abridgement, a close translation, or a commentary.²⁶ It is, however, important to note what he himself says in the *Astrolabe*:²⁷

Et omnium quidem supradictorum simpliciter expositorum siquis rationem postulaverit, intelligat eam apud Euclidem a quindecim libris artis geometrice quos ex arabico in latinum convertimus sermonem esse coniciendam.

7. On the astrolabe. British Museum, Arundel MS. 377 (Bernard, ii. 3265), ff. 69-74, *de mag' Adelard*.²⁸ Written at Bath,²⁹ and subsequent to the translations of the Khorasmian tables and of Euclid, both of which it cites.

8. *Ysagoga minor Iapharis mathematici in astronomiam per Adhelardum bathoniensem ex arabico sumpta*. Bodleian, Digby MS. 68, ff. 116-24; anonymous in British Museum, Sloane MS. 2030, ff. 83-86 v; formerly in Avranches MS. 235.³⁰ An astrological treatise,³¹ evidently of Abu Ma'ashar Dja'afar. Reference is made to the fuller treatment in the *Ysagoga maior*,³² but it is not said that this has been translated.³³

9. *Liber prestigiorum Thebidis (Elbidis) secundum Ptolomeum et Hermetem per Adhelardum bathoniensem translatus*, a treatise on horoscopes,³⁴ probably by Thabit ben Korra. Lyons, MS. 328, ff. 70-4; formerly in MS. Avranches 235.

10 (?). *Mappe clavicula*, dealing with the preparation of pigments and other chemical products. This work, which goes back to Greek sources and is of great interest for the history of technical processes, is printed in *Archaeologia*, xxxii. 183-244, from a manuscript of the twelfth century then

²⁶ Weissenborn, in *Zeitschrift für Mathematik*, xxv. sup., 141-66; Heiberg, *ibid.* xxix. sup., 21, xxxv. sup., 48-58, 81-6, and in the introduction to the Teubner edition of Euclid, v. pp. c-ci; Curtze, in *Philologische Rundschau*, i. 943-50, and in Bursian's *Jahresbericht*, xl. 19-21; Björnbo, in *Bibliotheca Mathematica*, third series, vi. 239-48; Bubnov, *Gerberti opera mathematica*, p. 175 n. ²⁷ MS. Arundel 377, f. 71.

²⁸ 'Erit igitur ut astrolabium quale sit prius constituam. . . Et nos finem dicendi faciamus. Tu vero discere quantum voles; velle autem tantum dividebit [*sic*], ut ait Tullius [*De officiis*, i. 2], quantum proficere te non penitebit.'

²⁹ F. 71: 'Sit ut in Arin meridiana accidit hora, in Bathonia vero hora tertia perfecta. . . Sit ut in Bathonia hora tertia eundem gradum occupet.'

³⁰ *Catalogue des Mss. des Départements*, x. 114.

³¹ 'Quicumque philosophie scientiam altiore studio constanti inquirens. . . Hec igitur sunt loca excessuum cum quibus finem institutionis faciemus.'

³² 'Horum autem singula in ysagoga maiore dicta sunt, nunc autem compendiose introducendis propius dicetur.'

³³ On the translations of the *Ysagoga maior* ascribed to John of Seville and Hermann the Dalmatian, see Steinschneider, *Hebr. Uebersetzungen*, pp. 568 f.

³⁴ 'Quicumque geometria atque philosophia peritus astronomie expertus fuerit ociosus est. Est enim astronomia omnium artium et re excellentissima et prestigiorum effectum commodissima. . . Hec quidem omnia ceteraque circa principium enumerata in ysagogis exposita studiosa mente firmanda sunt, ut prestigiorum artifex facultate non decidat.' This treatise is not mentioned in the list of Thabit's works given by Steinschneider (*Zeitschrift für Mathematik*, xviii. 331-8), nor identified in his discussion of the *Speculum* of Albertus Magnus (*ibid.*, xvi. 371), who cites it as a work of Hermes (*Catalogue codicum astrologorum graecorum*, v. 100).

in the possession of Sir Thomas Phillipps. The attribution to Adelard rests on the thirteenth-century table of contents (*Liber magistri Adelardi bathoniensis qui dicitur mappe clavicula*) in Royal MS. 15. C. iv of the British Museum; the treatise itself was missing from the manuscript as early as Tanner's time. Berthelot³⁵ has shown that Adelard cannot have been the author of the *Mappe clavicula* in its original form, for a version, free from Arabic elements, is found in a manuscript of Schlettstadt which goes back at least to the tenth century; but it is quite possible that Adelard is responsible for the expanded form of the text, in certain chapters of which Arabic and English words occur.³⁶

Of the other works attributed to Adelard by the older bibliographers, Tanner pointed out that the *De causis* and the *Problemata* are only other names for the *Questiones naturales*, and the incipit of the *De sic et non* indicates that it is probably a variant of the same treatise. Similarly the *De septem artibus liber* may well be identical with the *De eodem et diverso*. The *Computus astronomicus* mentioned by Tanner is probably the Khorasmian tables; the *Compotus Adelardi*, formerly in the library of Christ Church, Canterbury,³⁷ may be either this work or, more probably, the *Liber abaci*. A treatise which follows the *Questiones* in a manuscript of the Laurentian library, which Bandini thought might have emanated from Adelard, belongs to the fourteenth century.³⁸ Jourdain conjectured that Adelard was the translator of the *Liber imbrium* of Dja'far, but this is now known to be the work of Hugo Sanctelliensis,³⁹ and the attribution to him of the translation of Euclid's *Optics* and *Catoptrics* is equally unfounded.⁴⁰ An interesting suggestion, made by Chasles and still awaiting confirmation, is that Adelard, as the translator of the Khorasmian tables,⁴¹ is also the author of the translation of a treatise of Al-Khuwarizmi on Indian arithmetic, preserved in a unique manuscript at Cambridge,⁴² which has an important bearing on the transmission of the Arabic system of reckoning to the West.

³⁵ *La Chimie au moyen âge*, i. 26-30; *Journal des Savants*, 1906, pp. 61-6.

³⁶ Cc. 190, 191, 195-200. Cf. also the Saracen recipe in c. 289. The *Mappe clavicula* is also found, anonymous, in the Bodleian MS. Digby, 162, ff. 11 v-21 v. A metrical version, made from the Arabic, is ascribed to Robertus Retinensis: Steinschneider, in *Vienna Sitzungsberichte*, phil.-hist. Kl., cxlix. 4, p. 72.

³⁷ James, *Ancient Libraries of Canterbury and Dover*, p. 49. Contrary to Dr. James's conjecture (p. 508) this manuscript cannot be Cotton MS. Caligula A. xv, part 2.

³⁸ MS. Gadd. rel., no. 74, f. 38 v: 'Anno gratie 1303 quo ego Petrus Paduanensis hunc librum construxi.'

³⁹ Haskins, *The Translations of Hugo Sanctelliensis*, in the *Romanic Review*, ii. 12, 1911.

⁴⁰ Haskins and Lockwood, in *Harvard Studies in Classical Philology*, xxi. 86.

⁴¹ And, probably, of no. 5, above, p. 494.

⁴² University Library, MS. II. vi. 5, f. 102, published by Boncompagni, *Trattati d'arimetica*, I (Rome, 1857). See *Comptes rendus de l'Académie des Sciences*, xlvii, 1059 (1859); *Zeitschrift für Mathematik*, xxxiv. sup., 132; *Abhandlungen zur Geschichte der Mathematik*, x. 11; Cantor, *Vorlesungen zur Geschichte der Mathematik*,³ i. 713, 906.

What can be gleaned from all this for Adelard's biography is exceedingly meagre. He was born in England,⁴³ but, probably before 1100, went to France, where he studied at Tours and taught at Laon. In this period of his life he found opportunity for travel, penetrating as far as Magna Graecia and, it would seem, Sicily before 1116 and probably before 1109. After leaving Laon he spent seven years in study and travel in the East, where he can be traced in Cilicia and Syria; how much further he went we do not know. By 1126 he is back in the West, occupied with making the astronomy and geometry of the Arabs available to the Latin world.⁴⁴ Whether or not he had any earlier connexion with Bath, this now becomes his residence, and in 1130 as 'Adelardus de Bada' he receives 4s. 6d. from the sheriff of Wiltshire.⁴⁵ Neither this grant from Henry I, nor his account of his life as a student, seems consistent with the common assertion that he was a monk; I can find no contemporary authority for this statement, which doubtless owes its origin to a confusion with the monk Adelard of Blandinium, who, a century earlier, wrote a life of St. Dunstan.⁴⁶ The name 'Goth', which is applied to Adelard in certain manuscripts of the translation of Euclid,⁴⁷ I cannot pretend to explain, unless it should refer to a sojourn in northern Spain. We should like especially to know whether Adelard visited Spain, or was connected in any way with the group of men who worked so actively as translators in the northern part of the Peninsula between 1130 and 1150—Plato of Tivoli, Hermann the Dalmatian, Rudolph of Bruges, Robertus Retinensis, and Hugh of Santalla. On all such questions of Adelard's relations to his teachers and to the other scholars of his age we are in complete ignorance; for, with the exception of the two prelates to whom he dedicates the *De eodem* and the *Questiones*,⁴⁸ he mentions only his nephew, who has not been identified; and the only reference to Adelard on the part of a contemporary is that of an enigmatical Ocreatus, who dedicates to him the translation of an Arabic treatise on arithmetic which he has produced *iussus ab amico immo a domino et magistro*.⁴⁹ The point of special significance with respect to Adelard is that he

⁴³ He calls England his 'patria' in the dedication of the *Questiones*.

⁴⁴ 'Nos vero latinorum studemus utilitati': MS. Chartres 214, f. 41; MS. Mazarine 3642, f. 83.

⁴⁵ Pipe Roll, 31 Henry I, p. 22.

⁴⁶ Stubbs, *Memorials of St. Dunstan*, p. xxx; cf. Tanner, p. 55.

⁴⁷ Bodleian MS., Selden B. 13; *Zeitschrift für Mathematik*, xxv. sup., 144; *Philologische Rundschau*, i. 946; *Centralblatt für Bibliothekswesen*, xvi. 262; Hänel, *Catalogus Librorum MSS.*, col. 786.

⁴⁸ The *Regula abaci* is dedicated 'H. suo'.

⁴⁹ *Prologus N. Ocreati in Helceph ad Adelardum batensem magistrum suum*, edited by Henry in *Zeitschrift für Mathematik*, xxv. sup., 129-39. Cf. Steinschneider, in *Vienna Sitzungsberichte*, cxlix. 4, p. 51; Cantor, *Vorlesungen*², i. 906, where the confusion with Bayeux rests upon an incorrect reading of the manuscript.

stands at the meeting-point of three intellectual movements, the traditional learning of the French schools, the Greek culture of southern Italy, and the Arabic science of the East ; and any new facts which may be brought out concerning his life and writings may be expected to throw light on the general history of learning in the twelfth century.⁵⁰

CHARLES H. HASKINS.

The Order of the Temple at North Ferriby

NOTWITHSTANDING the antecedent improbability of a community of knights templars having escaped the general suppression of their order, Tanner's statement¹ that one of their houses, Ferriby, in Yorkshire, 'seems to have become a priory of Austin canons,' has been generally repeated.² Could this be substantiated it would be a fact of no little interest ; but an examination of the evidence makes it quite clear that the canons of North Ferriby had no connexion with the knights of the Temple.

There are two entries relating to North Ferriby in the register of Walter Giffard, archbishop of York ; three in the *Calendar of the Patent Rolls* ; and two in the *Calendar of Papal Letters*. The first of those in the York register belongs to the year 1270,³ the second to 1272 ;⁴ and each concerns a prior of Ferriby 'of the order of the Temple of the Lord'. The first entry on the patent rolls is a licence in mortmain granted in 1295 for the alienation of the advowson of the parish church to 'the prior and brethren of North Ferriby of the order of the Temple of Jerusalem'.⁵ In 1316 another licence in mortmain was granted, this time for the appropriation of the parish church by 'the prior and brethren of North Ferriby of the Temple of Jerusalem'.⁶ And three years later letters patent were granted to the 'prior, canons,

⁵⁰ After the proofs of this article had been corrected I received, through the kindness of my colleague Professor R. B. Merriman, photographs of the earlier pages of the Madrid MS. (no. 10016) of the translation of the Khorasmian tables, which has this heading : 'Incipit liber ezeig id est chanonum Alghoarizmi per Adelardum bathoniensem ex arabico sumptus et per Rodbertum cestrensem ordine digestus.' Except that the tables are fuller, the text agrees with that of the Chartres and Mazarine MSS., including the passage near the beginning ('Quoniam vero tractatu exigente . . . equatos habebis') which is not found in the Bodleian MS. The Madrid MS. evidently deserves careful study, particularly because of the question raised by the mention of Robertus Cestrensis. I also find that the trigonometrical tables contained in Adelard's translation, which are of much importance for the history of trigonometry in the middle ages, have been edited, but without the use of the Madrid MS., by Björnbo in the *Festschrift til H. G. Zeuthen* (Copenhagen, 1909), pp. 1-17.

¹ *Notitia monastica* (ed. Nasmyth), Yorkshire, xxxviii.

² Abbot Gasquet states it as a positive fact : *English Monastic Life* (2nd ed. 1904), p. 233.

³ p. 251 (Surtees Society).

⁴ *Ibid.* p. 66.

⁵ *Calendar of Patent Rolls*, 23 Edw. I, m. 3.

⁶ *Ibid.* 9 Edw. II, p. 1, m. 5.

and brethren of the Temple', confirming grants of land made 'to God and the Holy Temple and the canons and brethren thereof dwelling at North Ferriby'.⁷ Of the two papal documents, one was a dispensation granted, on account of illegitimacy, in 1401 to John Marton, 'canon of the priory of North Ferriby of the order of the Temple of our Lord of Jerusalem, under the rule of St. Augustine';⁸ and the other was a dispensation granted in 1442 to Thomas Calton, 'Augustinian canon of the order of canons regular of the Temple of the Lord at Jerusalem.'⁹

The first point to be noticed is that the 1295 licence was granted to the 'prior and brethren' of North Ferriby; but the military order of the Temple was then still in existence, and if the house belonged to it, one would have expected that the licence would have been granted not to the 'prior and brethren' of that house, but to the 'master and brethren of the knights templars in England'. A licence in this form was granted in 1284;¹⁰ and five or six years earlier an action, relating to the advowson of the church of Waterbeach, was tried by the king's justices, the plaintiff being not the head of some particular house, but the *magister milicie Templi in Anglia*.¹¹ Next, a question arises as to whether the knights ever styled any of their officials 'prior'. The ordinary term for a subordinate superior was 'preceptor'; Clement V, for instance, in the letter addressed to the archbishop of Canterbury and his suffragans, preparatory to the suppression of the knights of the Temple, speaks of the *magister, praeceptores, et alii fratres ordinis militiae Templi Ierosolomitani*.¹² Further, it will be noticed that in the York register and in the two Roman documents the canons of Ferriby are styled 'of the order of the Temple of our Lord', that is, both before and after the suppression of the military order. This not only proves conclusively that they did not belong to that order of knights, but indicates who and what they really were.

The knights were properly known as the *militia Templi Salomonis*, the knighthood of the Temple of Solomon. Of this there is no lack of evidence. Their rule, as approved by Honorius III, is headed in Mansi's edition of Labbe's *Concilia: Regula Pauperum Commilitonum Christi Templique Salomonici*; ¹³ and the term *Templi Salomonis* occurs twice in the rule itself, in chapters v¹⁴

⁷ *Calendar of Patent Rolls*, 12 Edw. II, p. 2, m. 24.

⁸ *Calendar of Papal Letters*, v. 397.

⁹ *Ibid.* ix. 219. This volume has not yet been published, but I have been permitted to see the proofs at the Public Record Office.

¹⁰ *Calendar of Patent Rolls*, 12 Edw. I, m. 12.

¹¹ *Ecclesie de Bernewelle Liber Memorandorum*, p. 135; ed. J. W. Clark, Cambridge, 1907.

¹² Recited in letter of the archbishop to his suffragans: Dugdale, *Monast.* vi. ii. 844 (no. lii).

¹³ Vol. xxi. col. 359.

¹⁴ *Ibid.* col. 361: *sunt namque milites in domo Dei templique Salomonis*, &c.

and xxx.¹⁵ They are, too, styled *fratres militiae Templi Salomonis*, or *fratres Templi Salomonis*, in sixteen or seventeen of the Temple charters printed in the *Monasticon*.¹⁶ And further proof is furnished by a seal of the order belonging to the end of the twelfth century, on which, round a rough representation of the dome of the Temple, is the legend ✠ MIL·TMPLI·SAL'.¹⁷

The explanation is given by William of Tyre,¹⁸ who says that there were in Jerusalem two buildings called by the name of the Temple: a church known as *Templum Domini* and alongside of it the royal palace 'quae vulgari appellatione *Templum Salomonis* appellatur', and it was in the palace, the Temple of Solomon, that the knights were first lodged. In the thirteenth century, James of Vitry, the canon regular of Oignies who was first bishop of Acre and afterwards cardinal legate in the Holy Land, gave a description of Jerusalem in his *Historia Orientalis*. After speaking of the *Templum Domini*,¹⁹ the church, he goes on to say that there was another temple of immense size, from which the brethren of the knighthood of the Temple were called templars,²⁰ because that building was called the Temple of Solomon, perchance, he says, to distinguish it from the other, which was more especially styled the Temple of the Lord. The *Templum Domini* was served by a chapter of Austin canons, at whose head was a mitred abbot; ²¹ and should the convent have had subject houses, or cells, following the ordinary usage, the canons of those houses would have been styled 'of the order of the Temple of the [or our] Lord, of Jerusalem'. The papal documents which have been referred to, and the letters patent of 1295 and 1316, would amply justify the conclusion that the priory of North Ferriby was such a cell; the entry made in the York register in 1270 and the letters patent of 1319 make this conclusion irresistible. For the former concerned a prior of Ferriby who was about to proceed to foreign parts at the command of his abbot; and the latter were a confirmation of grants of land made to 'the prior, canons, and brethren of the Temple' and 'the canons and brethren thereof dwelling at North Ferriby'. Some explanation seems to be required of the head of the order being here called a prior. There was, of course, no longer a

¹⁵ Vol. xxi, col. 365: *eximia paupertas domus Dei templique Salomonis*.

¹⁶ VI. ii, pp. 818, 819, 820, 840, 841, 842, 843.

¹⁷ Reproduced in the *Recueil de Documents*, &c., iv. 156, published by the *Société de Sphragistique de Paris* (1855).

¹⁸ *Hist.* viii. 3, and xii. 7, in Migne, *Patr. Lat.* cci. 409, 526, 527.

¹⁹ Cap. 62.

²⁰ William of Tyre says that they were so called because of the proximity of the royal palace to the church. Both church and palace were on the site of the Temple.

²¹ James of Vitry, *op. cit.* c. 58. More than one abbot of the Temple is mentioned in the *Chartulaire du Saint-Sépulchre*, ed. by Rozière in Migne, *Patr. Lat.* clv.

monastery in Jerusalem, and there may have been no longer an abbot; possibly 'prior, canons, and brethren of the Temple' was a mere formula, and there was then no house of which Ferriby was a cell.²² Nothing seems to be known of the convent of the Temple after the fall of Jerusalem; and the very existence of the 'order of the Temple' was apparently unknown to Pennotti, a canon regular of the Lateran congregation, the historian of his order.

EGERTON BECK.

Confirmations of Oxford Chancellors in the Lincoln Episcopal Registers

THE subject of dispute between the university of Oxford and the bishops of Lincoln concerning the chancellorship,¹ of which records, extending over nearly a century, exist in the Lincoln Registers, was whether the chancellor elected by the university was bound to go in person to the bishop to receive his confirmation, or whether he might receive it by proxy. The bishops asserted the former, the university the latter. In the Lincoln Episcopal Registers there are twenty-nine entries of confirmation, six being among the Memoranda and twenty-three among the Institutions. No transcripts of the latter are found in the collections of Twyne, and so presumably the documents were unknown to Wood. The earliest date at which a commission is entered in the registers is 1290, when the episcopal records began to be written on quires of parchment instead of membranes stitched together to form a roll. From 1290 the commissions continue almost without a break until the episcopate of Gynwell, whose period of office was marked by the most memorable of all disputes connected with the chancellorship. Having refused persistently to confirm William de Palmorva, the bishop was excommunicated by the archbishop of Canterbury, who himself confirmed the chancellor.² After such a grievous quarrel it is strange to find

²² A century later Ferriby was certainly an independent house or it would have been suppressed as an alien priory.

¹ Wood's *Annals*, i. 326, 329, 346, 451, 481; *Annales Monastici*, iv. 317; *Rot. Parl.* i. 16; Rashdall's *Universities*, ii. 424, 426. The origin of the dispute is nowhere recorded. The chancellorship was created by the bishop of Lincoln in 1214 (*Munimenta Academica*, p. 2; Wood, i. 184; Rashdall, ii. 351), and the dispute began at a date not far removed from the inception of the office if we may judge from Bishop Sutton's statement, 'quod beatus Robertus quondam Lincolnensis Episcopus, qui huiusmodi officium gessit dum in vniversitate predicta regebat, in principio creationis sue in episcopum dixit proximum predecessorem suum episcopum Lincolnensem non permisisse quod idem Robertus vocaretur Cancellarius sed Magister Scholarum' (Sutton's *Mem.* f. 117; Rashdall, ii. 355). For references to 'Magister scholarum' see *Hist. MSS. Comm.*, Duke of Rutland's MSS. iv. 82; Rashdall, ii. 353.

² Wilkins's *Concilia*, iii, pp. 3-8; *Mun. Acad.* p. 168.

Bishop Gynwell ultimately numbered among the university's benefactors.³ Only two commissions, dated 1363 and 1367 respectively, are found in the register of his successor, Buckingham. On 8 Nov. 1367 the university was freed from episcopal jurisdiction by the bull of Urban V,⁴ notwithstanding which the bishop, on 4 May 1369, cited Adam de Toneworth, who had recently become chancellor, to appear before him for having been irregularly elected. He was again cited in the same year, and in all probability the citations were ignored.⁵

The procedure of confirmation is similar in all the commissions, and reduced to its simplest form is as follows. The university sends messengers to the bishop with letters close requesting the confirmation 'more solito' of their *elected* chancellor. Letters patent introducing the messengers as the representatives of the university are next presented. Excuses having been offered for the chancellor's absence, the bishop confirms briefly the *nominated* chancellor in his office 'de gratia speciali . . . donec aliud vobis super hoc dederimus in mandatis'. Wetheringsete's commission, which has many points of difference, is by far the most detailed of the records of confirmation found in the registers.⁶

The messengers of the university in 1291 and 1293, the first two recorded occasions when such were sent, were a master of canon law and a master of arts. On the two following occasions a single university representative appeared before Bishop Sutton. By the time a new chancellor had been elected Dalderby had become diocesan, and on the university again sending a single messenger the bishop remonstrated. During the remainder of his episcopate a master of canon law, a master of civil law, and a proctor were usually sent; not always, however, men of authority—at least in the bishop's opinion. He is found inquiring 'quare maiores vniuersitatis ad episcopum non venerunt sicut fieri consuevit',⁷ and to a question put by him to the messengers who sought the confirmation of William de Bosco, the reply was 'ignoramus quia iuvenesumus et per tempus modicum in vniuersitate reximus'.⁸ In October 1322, the first time messengers were sent to his successor Burghersh, representatives from the five faculties of theology, canon law, civil law, medicine, and arts were chosen.⁹ Two months later statutes were promulgated in the university dealing with the office of chancellor, and

³ *Mun. Acad.* p. 187 ('Joh. de Synewelle').

⁴ *Mun. Acad.* p. 228; *Cal. of Papal Reg., Letters*, iv, pp. 66, 83.

⁵ Buckingham's Mem. ff. 70, 73.

⁶ I have to thank the Rev. H. E. Salter for a few of the following facts, and Mr. G. W. Wheeler for some suggestions and corrections. In vol. xxiv, 735 *ante*, I omitted to record that my knowledge of the transcript in the Smith MS. was due to the kindness of Mr. F. Madan.

⁷ Dalderby's Instit. f. 144.

⁸ *Ibid.* f. 153.

⁹ Burghersh's Instit. f. 248.

by these it was provided that when a chancellor was elected 'pro nova commissione habenda, per unum vel duos Magistros ad plus, super huiusmodi negotio ad plenum instructos mittatur'.¹⁰ Thenceforward a professor of civil law and a proctor were generally the representatives of the university.

The excuses offered for the absence of the chancellor are interesting features of the commissions. The first recorded excuse is that the chancellor was already well known to the bishop,¹¹ which was evidently a retort to Sutton's objection to give a commission 'personae sibi incognitae'.¹² Expense and interruption of study were frequently put forward. One of the excuses for Cobham's absence was that if he had come in person 'oportuisset secundum morem solitum quod de singulis facultatibus secum venisset unus regens, et sic in eisdem facultatibus cessatum fuisset eis absentibus ad magnum studentium detrimendum',¹³ and for Wetheringsete's 'si venisset cessatum fuisset in ipsius absentia a lectura per alios magistros professionis sue'.¹⁴ Disturbances in the university due to the absence of the chancellor were also urged. In Favresham's commission reference is made to the evil deeds of a faction called Lucan.¹⁵ Burdon's excuse was that the justiciars of the king were at Oxford, and it would therefore be unseemly for him to leave the town. He had, moreover, a sermon due on Ash Wednesday.¹⁶ William de Bosco could not appear 'quod non habuit eveccionem paratam pro tanto domino et quod eveccio ipsius fuit in loco multum distante ab universitate'.¹⁷ By the time of Bishop Burghersh all the various excuses for absence had crystallized into 'propter pericula quae in absentia Cancellarii inter scolares ad Universitatem Oxon. undique confluentes potuerunt de facili imminere'. In the last commission found in the registers, that granted to William de Courtney in 1367, the messengers made a bolder reply—the chancellors were not accustomed to come in person. The bishop asserted the contrary, and declared that unless they came in person he would not confirm. After some argument the messengers supplicated that the bishop would confirm 'de gratia ista vice', to which he replied, "ex quo petitis gratiam contemplacione persone sic electe volumus vobis ista vice gratiam facere specialem," cum protestacione quod non intendebat derogare in aliquo iuri suo per huiusmodi gratiam eis hac vice concessam, sed protestabat expresse quod noluit de cetero aliquem sic electum admittere nec confirmare nisi veniret in propria persona'.¹⁸

¹⁰ *Mun. Acad.* p. 107.

¹¹ Sutton's Mem. f. 50^v.

¹² *Annales Mon.* iv. 317.

¹³ Dalderby's Mem. 5^v: Twyne ii. f. 4.

¹⁴ *Ibid.* f. 143^v. The chancellor was invariably chosen from the faculties of theology and canon law: *Mun. Acad.* p. 493.

¹⁵ Dalderby's Instit. f. 145^v.

¹⁶ *Ibid.* f. 149.

¹⁷ *Ibid.* f. 163.

¹⁸ Buckingham's Instit. f. 342.

The uniformity of phrase and formula is a very marked feature in all the commissions, especially in the letters presented by the university and the letter of the bishop confirming the commission. The uniformity of university rhetoric was probably largely due to the restraining and conservative tendencies of the diocesan, who, mindful of inconvenient precedents, refused to be disarmed even when it was reported that alterations had been made solely to do him greater honour.¹⁹ Previous commissions were frequently consulted with a view to ascertaining whether procedure accorded with ancient usage, and the collation was evidently performed in no perfunctory manner.²⁰ A deliberate attempt seems to have been made to alter the form of letters when Richard de Clive was confirmed. Gilbert de Segrave, the university's messenger, presented a letter which differed from any preceding it in the registers, and which contained a not very appropriate reference to '*fratribus nostri collegii*'. This letter having been collated with previous letters and found different, the bishop censured it; whereupon Gilbert de Segrave '*exhibuit statim aliam litteram sub hac forma*', which was the usual one referring picturesquely to those who seek the pearl of knowledge in the field of learning.²¹

Episcopal interference seldom preceded the nomination of a chancellor, but in 1314 Bishop Dalderby addressed a letter to the official of the archdeacon and dean of Christianity commanding him to have proclaimed in every church in Oxford that no one under pain of excommunication '*pro cancellario se gerere uel in aliquo ad officium cancellarie spectancia exercere quouis modo presumat, aut banna seu denunciaciones nomine cancellarii vniuersitatis predicte edi faciat seu proponi, et ne quis pareat cuiquam de facto ad pretactum officium pertinencia exercenti, donec per nos aliquis in ipsius vniuersitatis Cancellarium sit prefectus*'.²² This letter is immediately preceded in the register by another in which Dalderby quotes a letter of Sutton directed against those in the university who presume to give effect to statutes calculated to prejudice the rights and liberties of the see. Again, in 1343, on a similar occasion, Bishop Becke commanded the senior professor of theology to warn all those '*qui de ipsius cancellarii prefeccione fuerint tractaturi et in eiusdem nominatione interfuerint, quod per confederacionem seu conspiracionem aut machinaciones illicitas ad predictum officium neminem nominare presumant*'.²³

Apparently the only commission ever revoked was that of

¹⁹ Dalderby's *Instit.* f. 143^v.

²⁰ Sutton's *Mem.* ff. 50^v, 87, 178^v; Dalderby's *Instit.* ff. 143^v, 145^v; Buckingham's *Instit.* f. 335.

²¹ Sutton's *Mem.* f. 178^v.

²² Dalderby's *Mem.* f. 265.

²³ Becke's *Mem.* f. 33.

John Lutterel, but the bishop was careful to add in his letter that he had done so with no intention of setting a precedent or of infringing the privileges of the university, but had acted '*vestro rogamine mediante*'.²⁴

The three following documents represent respectively the first record in detail of a commission, the most elaborate record, and an example of the later conventional form.

STRICKLAND GIBSON.

Sutton, *Memoranda*, f. 50.

Registrum nominacionis magistri Simonis de Gandauo in Cancellarium Oxon.

Memorandum quod xvj kal. Ianuarii anno domini M^oCC^o Nonagesimo primo apud Wuburn iuxta Wycumb Episcopo existente in manso Rectoris ibidem in camera mane venerunt ad eum Magister Thomas de Cobeham in decretis et Magister Iohannes de Mora in artibus apud Oxon. actualiter tunc regentes Episcopo exhibentes litteram Universitatis Oxon. clausam sub hac forma.

Reverendo patri in Christo ac domino domino Oliuero dei gracia Lincoln. Episcopo vniuersitatis Oxon. cetus humilis Magistrorum salutem et obedienciam debitam et deuotam. Affeccionis paterne dileccionem habere vos condecet circa querentes in agro studii sciencie margaritam que domum dei multipliciter conuenustat in hiis precipue que non possunt absque denegacione graciae ac iuris iniuria denegari. Hinc est quod cum Magister Simon de Gandauo doctor sacre theologie a nostra vniuersitate [f. 50^v] ad officium cancellarie per cessionem magistri Iohannis de monemuta vacantis concorditer sit electus, a vestre paternitatis beniuolencia eius eleccionem more solito petimus confirmari. Talem ergo si placet vos exhibeatis in hac parte ut filiorum vestrorum sinceritas augeatur et paterne dileccionis caritas comprobetur. Valeat paternitas uestra reuerenda tempore diuturno.

Qua perlecta et plenius intellecta quesitum fuit a dictis magistris an alia haberent exhibenda pro negocio pro quo uenerunt. Et responderunt quod non. Deinde ipsis secedentibus et Episcopo aliquantulum deliberante cum suis iterum quesitum fuit a magistris predictis utrum haberent aliquod procuratorium nomine vniuersitatis ad prosequendum negotium supradictum, qui dixerunt quod non, adicientes quod non fuerat moris ut credebant. Cuius pretexto examinata fuerunt registra priora de commissionibus prius factis in hoc casu, per que constabat procuratoria pro prosecutione huius negotii prius sepius fuisse transmissa. Fuit insuper quesitum a magistris prefatis quare dictus Archidiaconus ad officium cancellarie nominatus in propria persona non uenit ex quo hoc facere comode potuit saltem ad tam propinqua. Qui ad hoc dicebant quod persona ipsa Episcopo fuerat satis nota. Demum diuerberato negotio hinc et inde et precipue super eo quod dictus nominatus non uenit personaliter: Episcopus tandem finaliter respondit, quod non obstante defectu procuratorii et absencia persone Archidiaconi predicti ea vice de gracia

²⁴ Univ. Arch., Pix. I. 8; Rashdall's *Universities*, ii. 425.

speciali dum tamen alias non trahetur ad consequenciam huiusmodi commissio facienda absenti, ipsos libencius expediret nisi hoc refragaretur, quod prefatus Archidiaconus nominationi de se facte omnino dissenserat sicut Episcopus asseruit se accepisse pro certo et ideo rogauit vniuersitatem per dictos magistros voce tenus quod debilitati et multiplici occupacioni dicti Archidiaconi compacientes, alium ad dictum officium nominarent, uel si hoc nollent, procurarent consensum dicti Archidiaconi et postmodum mitterent ad eundem Episcopum pro commissione habenda, qui etiam promisit magistris predictis, quod si prefatus Archidiaconus ad eum accederet sicut erat uenturus ad Natale sequens pro consensu adhibendo assumptioni officii predicti diceret efficaciter quod sentiret. Tandem iij kal. Ianuarii anno predicto apud Tyngehirst venit ex parte vniuersitatis predictae magister Ricardus de Bradele procurator eiusdem petens ab episcopo commissionem concedi et fieri Archidiacono prenotato. Cumque constaret Episcopo per collacionem habitam cum eodem Archidiacono medio tempore prius labente de ipsius dissensu priori mutato in consensum commissionem fieri precepit que facta extitit, et dicto magistro Ricardo magno sigillo signata tradita sub hac forma.

Oliuerus permissione diuina Lincoln. Episcopus dilectis in Christo filiis magistris et scholaribus vniuersitatis Oxon. salutem gratiam et benedictionem. Ad instanciam uestre deuocionis officium cancellarie vniuersitatis uestre magistro Simoni de Gandauo Archidiacono Oxon. in theologia inter vos actualiter nunc regenti, ita quod huiusmodi commissio sibi absenti facta ad consequenciam alias non trahetur, ad presens de gracia speciali committimus per presentes donec aliud vobis super hoc dederimus in mandatis. valete. Datum apud Tyngehirst iij kal. Ianuarii Anno domini M^o.CC^o. nonagesimo primo.

Vide plus de hac materia in sequenti folio in parte alba.

[f. 51^v] Deinde viij Id. Ianuarii anno predicto dictus magister Ricardus de Bradele rediens apud Tyngehirst exposuit episcopo qualiter magistri vniuersitatis Oxon. in eundem magistrum Ricardum excanduerant pro eo quod portauit commissionem prescriptam pro quibusdam nouis uerbis in ea insertis illis scilicet, *ita quod huiusmodi commissio facta absenti ad consequenciam alias non trahetur*, et idem supplicauit humiliter vt Episcopus sibi confuso quodam modo pie compaciens illa uerba noua de dicta commissione tollere dignaretur presertim cum illa uerba subsequencia, *de gracia speciali*, pro intencione Episcopi quod non teneatur de necessitate committere absenti sufficienter operarentur ut dicebat. Episcopus uero deliberato aliquantulum cum suis, dicto magistro Ricardo cum tanta humiliacione supplicanti et instanti pro mutacione dictorum uerborum admodum compaciens, illa amoueri precepit concedens commissionem fieri sub hac forma.

Oliuerus permissione diuina Lincoln. Episcopus dilectis in Christo filiis magistris et scholaribus vniuersitatis Oxon. salutem gratiam et benedictionem. Ad instanciam uestre deuocionis officium Cancellarie vniuersitatis uestre magistro Simoni de Gandauo Archidiacono Oxon. in theologia inter uos actualiter nunc regenti ad presens de gracia speciali committimus per presentes donec aliud vobis super hoc dederimus in

mandatis. valete. Datum apud Tyngehirst viij Id. Ianuarii Anno domini M^o.CC^o. Nonagesimo primo.

Demum dixit Episcopus prefato magistro Ricardo. Nos uidemus qualiter latet anguis in cordibus magistrorum Oxon. et quomodo nituntur reuerti ad antiquam stulticiam suam, et idem dicas eis ex parte nostra et nisi feceris nos faciemus in proximo aduentu nostro ad locum illum si uixerimus, quod tantum fecerunt ista vice quod in proxima nominatione cancellarii ueniet siue dici debeat electus siue nominatus ad nos personaliter, siue simus in propinquo siue in remoto secundum quod motus animi nostri nobis ingerit in presenti.

Dalderby, Institutions. f. 143^v.

Memorandum quod vj Id. Nouembris anno domini M^o.CCC^o. secundo apud Derteford venerunt ad Episcopum magistri Iohannes de Hale et Willelmus de Anney magistri in artibus apud Oxon. actualiter regentes et exhibuerunt Episcopo quamdam litteram sub hac forma clausam.

Venerabili in Christo patri domino Iohanni dei gracia Lincoln. Episcopo sui si placet deuocionis filii Cetus vnanimis magistrorum vniuersitatis Oxon. obediencie deuocionem patri debite cum omni reuerencia filiali. Debitum pastoralis officii comodis subditorum solerter inuigilans et precipue singularis affeccio pii patris que exuberare dinoscitur circa querentes in studio sciencie margaritas nos excitant et inducunt vt tam in hiis que sunt fauoris et gracie quam consuetudinis seu iusticie consuete ad vestre paternitatis suffragium recurramus intrepide et effectum beniuolum more solito consequamur. Hinc est quod cum Magister Walterus de Wetheringsete sacre theologie professor ad officium cancellarie vacantis per cessionem magistri Iacobi de Cobham iuris canonici professoris per nos nuper vt concedet vnanimiter sit electus beniuolenciam votuiis precibus exoramus paternam quatinus eleccionem ipsius vestra dignetur paternitas absque morose dilacionis obstaculo more solito confirmare, ad quietem studencium paterne consolacionis presidium et laudem ac gloriam creatoris. In prosperitate felici cum mentis leticia vos conseruet omnium retributor. Datum Oxon. viij Id. Nouembris Anno domini M^o.CCC^o. secundo.

Et cum sero esset nec vacaret de negocio quod eadem littera tangebatur tractare Episcopus dixit eis quod die sequente sequerentur eum vsque ad ciuitatem London. et ibi responderetur eisdem; quo die dictis magistris apud vetus Templum London. coram Episcopo in ipsius camera constitutis et lecta littera memorata quesiiuit ab eis Episcopus an alia exhibenda haberent qui protinus exhiberunt quoddam procuratorium et quamdam litteram resignatoriam sub hiis formis.

Venerabili in Christo patri domino Iohanni dei gracia Lincoln. Episcopo deuoti si placet filii Cetus vnanimis magistrorum vniuersitatis Oxon. obediencie debitum cum honore et deuotum reuerencie famulatum. Ad petendum et instancius prosequendum pariter et habendum nostro nomine confirmacionem eleccionis de viro prouido et honesto magistro Waltero de Wetheringsete sacre theologie doctore electo ad Officium cancellarie nuper per nos concorditer inibi celebrate, discretos

viros videlicet magistros Iohannem de Hale procuratorem vniuersitatis predicte et magistrum Willelmum de Anney nostros procuratores legitimos et nuncios speciales ordinamus facimus et constituimus per presentes. Dantes eisdem plenariam potestatem et speciale mandatum petendi et recipiendi nomine nostro confirmationem electionis predicte in personam memorati magistri Walteri ac omnia et singula que dictum electionis negocium contingere potuerunt quoquomodo apud vestre paternitatis clemenciam efficaciter prosequendi. Ratum habituri et gratum quicquid per eosdem procuratores seu nuncios actum gestum vel procuratum fuerit in premissis. In testimonium omnis rei sigillum nostrum commune presentibus duximus apponendum. Floreat vestre paternitatis benignitas diu in prosperis et secundis fructificet incrementis. Datum Oxon. viij Id. Nouembris Anno domini M^o.CCC^o. secundo.

Venerabili in Christo patri ac domino Reuerendo domino I. dei gracia Lincoln. Episcopo suus humilis et deuotus Iacobus de Cobeham reuerenciam debitam cum honore. Quia plurimis ac variis negociis prepeditus existo ita quod ad officium Cancellarii Oxon. gerendum seu etiam exercendum ad presens venire non valeo, de vestre reuerende paternitatis licencia dicto officio cedo per presentes. In cuius rei testimonium sigillum meum presentibus est appensum Anno domini M^o.CCC^o. secundo penultimo die mensis Octobris.

Deinde examinato registro Episcopi et predecessorum suorum super processibus habitis cum nominatis ad officium cancellarie vniuersitatis Oxon. temporibus retroactis inuentum fuit quod forma dicte littere vniuersitatis Episcopo misse per quam petebatur electus magistrorum eiusdem more solito confirmari ab aliis litteris in casu huiusmodi prius missis in forma totaliter discrepare. Et episcopo querente a magistris predictis quare forma fuit commutata, iidem magistri responderunt quod solum fuit mutata pro eo quod forma antiqua non videbatur satis competens et ornata tanto domino destinanda : deinde quesitum fuit ab eisdem quare nominatus non venit personaliter sicut tenetur et facere consuevit, et responderunt quod si venisset cessatum fuisset in ipsius absentia a lectura per alios magistros professionis sue et oportuit ipsum magnas fecisse expensas in eundo et redeundo precipue Episcopo extra diocesim existente quarum dicta vniuersitas penuriam paciebatur vt dixerunt. Et episcopus ad hoc, quando non fuit nisi vna cista communis que vocatur Lincoln. in vniuersitate predicta tunc habuit vniuersitas sumptus pro negociis suis expediendis et nunc tales ciste multiplicata ex quibus potuissent dicti magistri copiam expensarum saltem ex mutuo habuisse, et dictis [f. 144] magistris respondentibus se ab vniuersitate predicta nihil recepisse nomine expensarum, quesitum fuit ab eis quare maiores vniuersitatis ad episcopum non venerunt sicut fieri consuevit siue nominatus veniret personaliter siue vniuersitas mitteret pro commissione sibi absenti de gracia facienda, et ipsi allegarunt expensarum penuriam sicut prius : super quibus habita deliberacione, episcopus respondit eisdem quod citra Natale ad aliquod manerium ecclesie sue a municipio Oxon per septem miliaria ad minus concedente domino declinaret et ibi posset nominatus ad eum venire personaliter absque carencia lectionum et grauamine expensarum, sibi que taliter venienti paratus foret

facere quicquid iuris esset in casu huiusmodi siue moris. Et ne pro defectu commissionis huiusmodi dampnum vel periculum in vniuersitate predicta interim imineret: optulit eis Episcopus de gracia commissionem dicto nominato faciendam vsque ad festum Natalis predictum. Sed dicti magistri asserentes se talem commissionem temporalem recipere non audere, protinus recesserunt. Postmodum xv kal. Decembris anno predicto episcopo apud Tighirst existente venerunt ad ipsum ibidem magistri Ricardus fuge in iure canonico, Dyonisius Auenel in iure ciuili, Oliuerus Deyncurt et Iohannes de sancto Amando in artibus actualiter regentes in vniuersitate pretacta et exhibuerunt Episcopo litteram eiusdem vniuersitatis sub continencia infrascripta.

Reuerendo patri suo in Christo et domino Iohanni dei gracia Lincoln. Episcopo vniuersitatis Oxon. cetus humilis magistrorum salutem et obedienciam debitam et deuotam. Affeccionis paterne dileccionem habere vos concedet circa querentes in agro studii sciencie margaritam que domum dei multipliciter conuenustat in hiis que precipue non possunt absque denegacione graciae ac iuris iniuria denegari. Hinc est quod cum magister Walterus de Wetheringsete sacre theologie professor a nostra vniuersitate ad officium Cancellarie per cessionem magistri Iacobi de Cobham vacantis concorditer sit electus a vestre paternitatis beniuolencia eius eleccionem more solito petimus confirmari, talem ergo si placet vos exhibeatis in hac parte vt filiorum vestrorum sinceritas augeatur et paterne dileccionis caritas comprobetur: valeat paternitas vestra reuerenda per tempora longiora. Datum Oxon. xvij kal. Decembris Anno domini M^o.CCC^o. secundo.

Asseruerunt requisiti se nihil aliud exhibendum habere sed petebant quod Episcopus eleccionem factam de dicto magistro Waltero more solito confirmaret. Et cum diceretur eis quod non fuit eleccio sed simplex nominacio reputanda, nec confirmari sed officium Cancellarie nominato per vniuersitatem vsque ad beneplacitum Episcopi committi solummodo consuevit: petebant quod siue esset confirmacio siue commissio facienda, episcopus eos more solito expediret. Habitaque altercatione diutina super eo quod nominatus personaliter non venit, tandem dixit Episcopus, aut petitis quod huiusmodi negocium in absencia nominati expediatur de iure et consuetudine vel etiam graciose, et illis respondentibus se nihil velle petere nisi quod episcopus huiusmodi negocium more solito siue de iure vel consuetudine siue de gracia pro suo arbitrio¹ expediret, dixit Episcopus quod gracia nisi petenti facienda non foret, vnum iniunxit eis quod deliberarent vsque in crastinum et sibi super disiunctiua huiusmodi responderent. In crastino vero dicti magistri coram episcopo personaliter constituti vt prius petitioni pristine institerunt asserentes se mandatum petendi aliud non habere. Et quia in sua petitione se semper ad morem solitum referebant, recitatum fuit eis registrum de commissionibus factis magistris Iacobo de Cobham, Ricardo de Clyue, Rogero de Weseham et Rogero de martiuall factis in absencia eorundem in quo continebatur quod singulis vicibus commissionem huiusmodi fieri de gracia petebatur. Quo viso dicti magistri dicentes se velle super huiusmodi petitione cum vniuersitate

¹ *libito* deleted.

deliberare, licenciati ab episcopo recesserunt. Postea xij kal. Ianuarii anno predicto apud Thame vbi episcopus adtunc fuit memorato magistro Waltero de Wetheringsete in Cancellarium nominato ibidem personaliter existente venerunt magistri Dionisius Auenel predictus Iohannes procurator vniuersitatis Oliuerus Deyncourt, Iohannes de sancto Amando² et prefatum magistrum Walterum per vniuersitatem in cancellarium vt premittitur nominatum eidem Episcopo presentarunt humiliter postulantem quod idem nominatus personaliter comparens expediretur more solito circa personaliter comparentes primitus obseruato; dicto nominato obiecit quod de officio Cancellarie se intromiserat eodem officio vacante in preiudicium ipsius Episcopi a quo idem est officium affirmandum³; ad quod dictus nominatus respondit se nihil exercuisse de hiis que spectant ad iurisdictionem spiritualium sed de hiis que contingunt regiam potestatem, et episcopus adiecit, quod nec vnum nec aliud antequam esset cancellarius debuerat attemptasse, exemplum ponens in episcopis et aliis prelatiis regalia optinentibus qui licet ad episcopatum vel aliam prelatinam eligantur et a Rege admittantur de huiusmodi regalibus se non possunt intromittere donec per superiorem suum ecclesiasticum electio confirmetur. Super quibus habita altercatione aliquali episcopus huiusmodi culpam dicto nominato ea vice remittens eidem commissionem tradidit sub hac forma.

Iohannes permissione diuina Lincoln. Episcopus dilectis in Christo filiis magistris et scholaribus vniuersitatis Oxon. vniuersis salutem gratiam et benedictionem. Ad instanciam vestre deuotionis officium cancellarie vniuersitatis vestre magistro Waltero de Wetheringsete in theologia inter vos actualiter nunc regenti per vos nobis ad idem officium nominato et ad nos propter hoc apud Thame personaliter venienti et coram nobis presencialiter constituto duximus committendum donec aliud vobis super hoc dederimus in mandatis. Datum apud Thame xij kal. Ianuarii Anno domini M^o.CCC^o. secundo et Consecrationis nostre Tertio.

Becke, *Institutions*, f. 95.

Memorandum quod vj Idus Marcii Anno domini Millesimo CCC^{mo} quadragesimo sexto apud Lincoln. Magister Thomas de Buktone iuris ciuilis professor et Rogerus Lok officium procuratoris vniuersitatis Oxon. gerens coram Officiali Lincoln. sede vacante personaliter constituti exhibuerunt eidem litteram vniuersitatis predictae clausam sub hac forma.

Reuerende discrecionis viro domino Custodi spiritualitatis Episcopatus Lincoln. sede vacante, eiusve locum tenenti vniuersitatis Oxon. ceteris humilis Magistrorum obedienciam debitam ac deuotam. Affectionis sincere dileccionem habere vos concedet erga querentes in agro studii sciencie margaritam que domum dei multipliciter conuenustat in hiis que precipue non possunt absque denegacione gracie ac iuris iniuria denegari, hinc est quod Magister Iohannes de Northwode doctor sacre theologie a nostra vniuersitate ad officium cancellarie iterato concorditer est electus, a vestra reuerenda beniuolencia, eius electionem more solito

² MS. *Durando*.

³ MS. *affirmendum*.

petimus confirmari, talem erga vos si placet exhibeatis in hac parte vt deuotum vestrorum sinceritas augeatur et benigne dileccionis caritas comprobetur. Valeat dominacio vestra reuerenda per tempora longiora. Datum Oxon. iij die Mensis Marcii Anno domini Millesimo CCC^{mo} xlvj^{to}.

Eisdem die et loco exhibuerunt insuper prefati Magistri Thomas et Rogerus eidem Officiali quoddam procuratorium patens sub hac forma.

Reuerende discrecionis viro domino Custodi spiritualitatis Episcopatus Lincoln. sede vacante eiusve locum tenenti vniuersitatis Oxon. Cetus humilis magistrorum salutem et obedienciam debitam ac deuotam. Nouerit discrecio vestra reuerenda, quam in singulorum nostrorum negociorum promocione semper graciosam recepimus et beniuolam, quod nos dilectos nobis in Christo conmagistros nostros et amicos Magistrum Thomam de Buktone iuris ciuilis professorem et Magistrum Rogerum Lok officium procuratoris nostre vniuersitatis gerentem nostros veros et legitimos procuratores et nuncios speciales et quemlibet eorum insolidum coniunctim et diuisim constituimus et facimus per presentes ad petendam et recipiendam confirmacionem et commissionem more solito a vestra dominacione reuerenda electi nostri in cancellarium: ratum habituri et gratum quicquid dicti procuratores vel nuncii nostri vel quilibet eorum in premissis duxerint vel duxerit faciendum. In cuius rei testimonium sigillum commune vniuersitatis nostre predictae presentibus duximus apponendum. Datum Oxon. dicto die Mensis Marcii Anno domini Millesimo CCC^{mo} xlvj^{to}.

Quibus perlectis statim Officialis quesiiuit ab eisdem procuratoribus quid petere vellent, ipsi protinus respondebant, petimus, domine, Electum nostrum in cancellarium more solito expediri, quibus Officialis respondit, illum quem vos nominatis Electum, nos vocamus nominatum, et quare non venit personaliter sicut et alii eum precedentes facere consueuerunt; qui dixerunt quod tunc propter pericula que in absentia cancellarii inter scolares ad vniuersitatem Oxon. vndique confluentes poterunt de facili iminere, se nequiuisset aliquantulum absentare, et ideo absentis huiusmodi commissionem fieri more solito instancius postularunt. Et cum quereretur per Officialem ab eis vtrum de iure vel de gracia hoc fieri petebant, dicebant, Domine reuerende, nos petimus a discrecione vestra reuerenda iuxta formam solitam hac vice graciosae expediri. Et statim Officialis respondit sub hiis verbis. Quia vos petitis gratiam, ideo vobis gratiam specialem facimus ista vice et precepit eis fieri quandam commissionem sub hac forma.

Willelmus Bachiler canonicus ecclesie Lincoln. Officialis Lincoln. sede vacante dilectis nobis Magistris et scholaribus vniuersitatis Oxon. Lincoln. diocesis salutem in amplexibus saluatoris. Ad instanciam vestre deuocionis officium cancellarii vniuersitatis predictae Magistro Iohanni de Northwode sacre pagine professori inter vos actualiter nunc regenti quamuis absentis ob certas causas coram nobis allegatas et sufficienter probatas hac vice de gracia speciali committimus per presentes quousque nos seu alius iure episcopali Lincoln. diocesis presidens aliud vobis super hoc dederimus seu dederit in mandatis. Datum apud

Lincoln. vj^{to} Id. Marcii Anno domini Millesimo CCC^{mo} quadragesimo sexto.

<i>Chancellor elected</i>		<i>Retiring Chancellor</i>	<i>Date of confirmation</i>
John de Monemuta		William de Kingscote	6 June 1290 ¹
Simon de Gandavo	<i>per cess.</i>	J. de Monemuta	{ 30 Dec. 1291 ² 6 Jan. 1292
Roger de Martivall	<i>per resig.</i>	S. de Gandavo	{ 22 Nov. 1293 ³ 23 Nov. 1293
Roger de Wesenham	<i>per cess.</i>	R. de Martivall	11 Feb. 1295 ⁴
Richard de Clive	"	R. de Wesenham	2 Nov. 1297 ⁵
James de Cobeham	"	R. de Clyve	8 May 1300 ⁶
Walter de Wetheringsete	"	J. de Cobham	20 Dec. 1302 ⁷
Simon de Favresham	"	W. de Wetheringsete	31 Jan. 1304 ⁸
Walter Burdun	"	S. de Favresham	14 Feb. 1306 ⁹
William de Bosco	"	W. de Bordon	6 Apr. 1308 ¹⁰
Henry de Mamesfeld	<i>per renun.</i>	W. de Bosco	27 Oct. 1309 ¹¹
Henry de Harkle	<i>per cess.</i>	H. de Mammesfeld	11 Dec. 1312 ¹²
John Lutterel	<i>per mort.</i>	H. de Harcla	15 Oct. 1317 ¹³
Henry de Gower	<i>per revoc.</i>	J. Lutterel	18 Oct. 1322 ¹⁴
William de Alberwyk	<i>per cess.</i>	H. de Gouwer	3 Nov. 1325 ¹⁵
Thomas de Hothom	"	W. de Alburwyk	25 Jan. 1327 ¹⁶
Roger de Stretton	"	Ralph de Salopia	12 Nov. 1329 ¹⁷
Nigel de Wauere	"	R. de Stretton	30 Nov. 1330 ¹⁸
Richard FitzRalph (Ricardus Radulfi)		N. de Wauere	30 May 1332 ¹⁹
Hugh de Willughby	<i>per cess.</i>	R. FitzRalph	14 May 1334 ²⁰
Robert de Stretteford	"	H. de Wiloughby	9 May 1335 ²¹
John de Lecche		Office vacant	10 Nov. 1338 ²²
William de Skelton	<i>per cess.</i>	J. de Lecche	26 Dec. 1339 ²³
William de Bergeveney	"	W. de Skelton	10 June 1341 ²⁴
William de Bergeveney	"	Re-elected	10 June 1343 ²⁵
John de Northwode	"	W. de Bergeveney	15 May 1345 ²⁶
John de Northwode		Re-elected	10 Mar. 1347 ²⁷
John de Echingham	<i>per cess.</i>	John de Renham	15 June 1363 ²⁸
William Courtenay		Adam de Toneworth	10 June 1367 ²⁹

A Defence of the Proscription of the Yorkists in 1459

ATTENTION has never, I think, been called to the subjoined fragment. Though unfortunately mutilated at the beginning, and in places corrupted by a bad copyist, it probably contains all the important part of a curious political pamphlet. The date is clearly the latter part of 1459 or beginning of 1460, and the aim seems to be to prevent any weakening on Henry VI's part in the

¹ Sutton, Mem. f. 3.

² *Ibid.* f. 50.

³ *Ibid.* f. 86^v.

⁴ *Ibid.* f. 117.

⁵ *Ibid.* f. 178^v.

⁶ Dalderby, Mem. f. 5^v.

⁷ Dalderby, Instit. f. 143^v.

⁸ *Ibid.* f. 145.

⁹ *Ibid.* f. 149.

¹⁰ *Ibid.* f. 153.

¹¹ *Ibid.* f. 154^v.

¹² *Ibid.* f. 161.

¹³ *Ibid.* f. 168.

¹⁴ Burghersh, Instit. f. 248.

¹⁵ *Ibid.* f. 252^v.

¹⁶ *Ibid.* f. 258^v.

¹⁷ *Ibid.* f. 261.

¹⁸ *Ibid.* f. 263.

¹⁹ *Ibid.* f. 266^v (Ricardus Radī in the MS., incorrectly transcribed by Wood and in *Munimenta Academica* as Ricardus Radin).

²⁰ *Ibid.* f. 268^v.

²¹ *Ibid.* f. 272.

²² *Ibid.* f. 280^v.

²³ *Ibid.* f. 283.

²⁴ *Ibid.* f. 288^v.

²⁵ Becke, Instit. f. 88^v.

²⁶ *Ibid.* f. 92^v.

²⁷ *Ibid.* f. 95.

²⁸ Buckingham, Instit. f. 335.

²⁹ *Ibid.* f. 341^v.

newly-adopted policy of extreme measures against the Yorkist leaders. It is a little surprising that it has not attracted earlier notice, for it has a linguistic interest, as it seems to me, not inferior to its historical importance, and the volume in which it occurs contains a well-known copy of Chaucer's *Canterbury Tales* (Royal MS. 17 D. xv in the British Museum). Certainly there are found in it a considerable number of English words for the use of which Sir James Murray and his collaborators give no instance earlier than the sixteenth, seventeenth, eighteenth, or even in one case nineteenth centuries, and at least one which is not known to them at all.¹ In its present imperfect state the work has no title, but the name *Somnium Vigilantis*, given to it in a seventeenth-century catalogue, may have been taken from the lost beginning, or from an old cover, for the volume has been rebound at least once since that time. The writer, the possessor of a vigorous though excessively latinized style, is not named, and gives but little internal evidence for his identification, but he seems to be a lawyer, and, although it is always a perilous temptation to ascribe an unnamed tract to the author of other pieces found in the same volume, it is noteworthy that among the other contents of the manuscript, written on similar paper, is the Declaration of Sir John Fortescue,² for it is difficult to point out any other Lancastrian pamphleteer more likely to have been employed on this occasion. He was at this time chief justice of the king's bench, and afterwards received in exile the nominal office of chancellor. It must be confessed, however, that there are difficulties in explaining why the two tracts should have been transcribed in the same volume and presumably about the same time,³ for the Declaration is a recantation of his Lancastrian writings exacted from him upon his reconciliation to Edward IV in 1471. In any case internal evidence clearly indicates that it is not autograph.

J. P. GILSON.

. . . [P]erylle the whiche bene lyke to falle, withoute a direccion be had in this behalfe. So that yf ye tender my desyres ye shall procure an universalle quyet unto you alle, and yf ye dyspyse them to ⁴ ymportable

¹ See, e.g. *New English Dictionary*, s.vv. appreciable, corroboration, curiality, and erubescence. A new word is 'recay', decidedly preferable to its modern equivalent 'recidivation'.

² 'The Declaration made by John Fortescue, knyght, upon certayn wrytinges sent oute of Scotteland ayenst the kinges title to the roialme of Engelond,' printed in Lord Clermont's *Works of Sir J. Fortescue*, 1869, i. 523.

³ The full original contents of 17 D. xv were: (1) *Canterbury Tales* (on a paper with another water-mark); (2) a printed paper (Machlinia's press) relating to the marriage treaty negotiated between Edward IV and Louis XI in 1475 (see *Archaeologia*, xxxii, p. 325), now transferred to the Printed Book Department of the Museum; (3) the present document; (4) the Declaration; (5) *Balade of the King*, i.e. of the return of Edward IV in 1471; (6) John Russell's poem, 'The Book of Nurture.'

⁴ i.e. too.

infortune wolle you comprehende and envyroune withoute hope of delyverance. Tharfor it is good that ye enclyne to myne entente for your syngulere welth and for the generall consolaccion of alle this contre.

Postquam autem ignotus ille et de foris adueniens nephaustus lurco dictis suis finem imponeret, surrexit in medium vir indolis egregie qui ex figura vultus et vocis gestuque corporis laudatissimis optima se facturum omni videnti spopondit, et audiens proposicionis finem alterius citra id quod honestatis est conclusisse cum minarum inieccione, qua⁵ presumpcione dicentis molestatus in hec que secuntur redargucionis verba servata modestia prorupit per eum qui sequitur modum.

Frend me thinketh youre wysdome is sore infecte with ignorance. It is ayenste the curtasye of rethorique namely before eny prynce or high astat, to whom alle honoure and dredfulnesse be du with lauly subjeccioun, to entremedle eny wordis that ben sounynge to menasses offeringe, and ye nevertheles amonge your presumptuous blastes toke none erubescence or shame to uther⁶ such langage that longeth more for a soverain unto his subget than unto you that ar but an unknowen gest. But that ye may openly undyrstonde the grete curyalite of this moste noble auditte, youre rudnes and undyscrete demeanyng shalle put none obstacle but that ye shalle have audience, safe oon thinge ye most observe in this partie, that ye be as succynt and compendious as ye may, reducinge into youre mynde before whome ye make your peroracion; and yf ye be not fully avysed ye shalle of the exuberant cortesye of this noble place have respitte in tyme of bettere delyberacyon.

Tunc vero alter nec tam genere oblationi vicem reddens graciaram nec amplius deliberandi requirens tempus, sed impudica fronte atque torvis inspiciebat luminibus ad regium oratorem in hunc modum mente superba⁷ respondit.

Syr, ye pretende an office to whome longeth gretter habilitie than ye have shewyd. But for asmuche as I intende a more appreciable good than is the reformation of you I wol desiste of extravaunte colloquies and labure to the explanacion of myne entent.

I am comen on the behalve of thoo persons that ye calle lordis of tyme passed, and how be hit that such an opinyoun is diffused amonge you, peraventure the latent trowth is other wyse. Nevertheles for because that it is hard to abolysshe a rumour that is oones taken in the wlgare voyce, I wolle presuppose for the way of comunicacion that thay bene as ye reput thaim. Than the cause of my cummyng is to labour for thair grace and to desire a good direccion to be taken in this partie. And in this I shalle lymyte unto you certeyn articles for the corroboracion of myne entent, yf ye wyll suffre me to say.

Primus articulus. Firste I say, groned upon a tru principall, that þe most commendable vertu that may be in a prynce is to be element and myld and to have rigorousenes in abomynacion, for howbeit that justice is full necessarye with other cardinalles vertues, yet none of thaim hath þat redolent swethnes that hath clemencie and myldenes; and the cause is this, for it reconsyled a kynge to himselfe and to his peple by

⁵ MS. *quam*. There is perhaps some more serious corruption in the text.

⁶ marg. *ulter*.

⁷ MS. *superbia*.

the mene of pyte and mercy, the whiche may have coexistenncce with all other vertues, and ben compatible with every accioun and dede that longeth to man. And tharfor myldnes ought to be had in every prynce, the which expired in the kynge yf thes lordes ben not reconsiled and restored to grace.

Secundus articulus. Also it is a point of prudent direccioun, when too yveles ben concurrent and the oon is of las malice than is the other, to suffre it rather to procede than it the whiche is of more grevance and of greter perniciosite. Nowe Y wylle that it be so that thes lordis have gretely offende. That is oon yvell. But yf thay ben utterly destroyed for thar offences the royaume shall have much more hurt in thar subvercioun than it was in any of thar offence. Wherfor I conclude that it is more behovfulle to the kynge and the royaume to pardon hem in thes pretens forysfactures than so yreparably to ponyssche hem withoute pyte or mercede.

Tercius articulus. Also howbeit that in the dede doyng it semeth to him [that] but superficially considereth tharin, that thar fyrste, secund and laste arrysinge were to exorbitant from thar faithe and du subjeccion and in the pernecious example of other, nevertheles hit ought not to be interpreted in the wars partie for too causes: the fyrst that thay entende the commen welthe of alle the royaume, for the which it is resonable and worshipfull to expose himselfe to grete jeoperde of goodis and lyfe; the secund is consyderynge the grete perplexite wherin the royaume stode at that tyme, and noboly employnge himselfe to be reformacion tharof, this ought to be ascribed rather to vertue and magnanymite than to rebellyoun or such other odious names, and so to have reuardis and thankynge and not to be put to exiciale destruccioun.

Quartus articulus. And yf þe trowth be pure examynacion be tryed, it is no mann that can say or specially declare what harme ever thay dyde, but in the peremission of such persones the whiche were odious to God and to the peple for thaire mysrule. And how be hit that other hapenth to be loste with thaim at that thyme, hit was not thare entente but happeth casually and ayenst thar wyll, for the whiche thinges to be punysshed it is incivile and unresonable.

Quintus articulus. Forthermore consyderynge the multitude of thennemies that in every syde environneth this Royame it were more nede for to procure to have more heddes and lordis for the tuycioun and defence of the same than for to depose and destroy eny of thaim, specially suche as stoden gretely in the favoure of the peple, and that ben of olde ancetrie of gret myght and strenght, and thogh thay have offendyde yet thar offence is not so gret but the good that thay may do in tyme comynge may be muche more and grettere in reputacion.

Sextus articulus. Over this, so that ye kepe youre paciens, hit is hard to have eny finale and irrevocable conclusyon of thaim also longe as rigure and cruelnesse ben so used ayenste hem, consyderynge thar powere and that thay have frendis in this laude and shall have who so ever says nay. And yf thay ben not receyved to mercy whyles while thay proferen to take hit, hit is to be dowted another tyme thay wylle aske none. And so better it were and lasse prejudicial to þe kynke to take hem now to mercy than

so laboure and paine to þe finale destruction of thaim, unto þe whiche to attaine it wolbe a [hard ?] thinge.

Ad cuius autem articuli terminum regius orator viz rationis sue continuit habenas. Quinymmo, ut clam asseryut (sic), nisi regis ac dominorum reuerencia non contaminanda vatesset,⁸ probis et armis quam rationibus spurcudum illum preconem inuasisset, unde ad regem intuitu defixo ac⁹ eius angelice faciei parumper contemplata figura quieuit in eo turbela¹⁰ tempestas, ac paulisper in vires reuocato animo ne prefatus lurco de sua presumptione commodum reportare[t] aut rationes sue, que falsitatis in clamide latebant, in argumentum apparent[is] rationis traherentur, ac per hoc aut lederent minus cautos vel cautissimos eciam conturbarent, submissa voce coactaque paciencia articulis predictis tale singillatim¹¹ prebuit responsum.

My frend, hit is rehersed in scriptures autentique that an erreure not repressed is halfve susteyned and that he that oppeosseth not himselfe to the profligacion and exilement of falsnes is not reputed very true. Now for as much as that ye be so farre out of youre selfe and so alienat from reison, me thinketh it be good in the way of charyte some what for to assay to reduce you, yf it may be, to the lighte of trowthe, and how be it that youre articuls ben known openly to be grounde in colorable deceyte and in seductius raysons, yet for a more plainere confutacioun of thame I shall answer singularly to every poynte that nedith respons.

Responcio ad primum articulum. And for the fyrste, withoute rehersayle by cause of shortnes I graunte that it is full commendable a prynce to be mylde and clement and to abhorre rigoure and cruelnes. But thar as ye wold have it to be preferred be¹² justice and other vertues so indistinctly as ye say, it is no[t] true. I woll well that a kyng [ought ?] to be clement and mylde, mercyful and pytuous to his peple þe which wyll obey voluntaryle withoute thabnegacion of eny of his duetes. Hit is not oonely commendable but also nedefull and requisite for the tuicion of his astate ; for yf he did otherwyse he myght be noted of tyrannie. I doute not myldnes reconsileth every mann to himself, that is in the overcommynge of his passions. And also it reconsileth oon to other, whann both parties bene reconsileable. Hit is tru also that pyte and mercy ben full necessarye in every polytique operacion. But it may not be graunted that pyte and cruelnes may stonde togeder. Now thus whann thobjecte of myldnes and of mercy is present were it not unfittyng and a dede of cruelnes to exerceyse rigoure ? It may not be denied. Thann whi is it not called unresonable, whenn Justice with her sharpe sergeant Rigoure have an entrest in a mater, to put him away and brynge in suche as cann not skylle tharin ? What say ye ? Is it eny mater of mercy to be executed to tho persons that ye speke for ? Yf it were thaire furste offence the whiche had hapened by ygnorance, or elles yit by negligeaunce, thann mercy myght calenge an interest tharin. And perhaps such mighte be þe cause that justice shuld have noght a do thar with. But of a pure malice and longtyme precogitat wykednes, the whiche after the furst indulgence hade relapse and recay in a greter and more pernicious offence thann the first was, and in the same so rebuked, not ponderynge the swethnes of þe

⁸ Perhaps *retinisset*.

¹¹ MS. *sigillatim*.

⁹ MS. *at*.

¹² before ?

¹⁰ Probably *turbida*.

recurat (?)¹³ mercy and pardon, withoute eny erubescence hathe the thirde tyme attempted and put him in his utmoste devoire to accomplesshe his pernysious entent, doynge suche dedis with such circumstance that no very tru mann cann it ascribe to eny other propos but to the fynall destrucion of this gracyous kyng and to the irreparable subversyoun of all his tru lovers, is it herin ony cause of mercy? O ye juges celestials, say to this your avis. Me thinketh veraly it is rather a convenyent and aproporcionable baytynge for the hungry mowthe of Justice to be all contriyed and bedashed by the scharpe tethe of Rigoure with oute eny interposicion of pyte. Every offence at the fyrste tyme may be palliat with some cororable (*sic*) excus and by possibilite is wordy to have mercy, but whenn the secunde folowyth and thann the thirde and all *in idipsum* it may not be excused in ony wyse, for it may have no persuacion to gete mercy. We have wytenes herof in paynems bookes wher I fynde thus wryte

Omne nephas superi prima cum voce precantis
concedunt carmenque timent audire secundum.

How moche more the thyrd? Thann thus I conclude. It were none other but cruelnes to have mercy apon thamm, the which so many tymes have offended. For in lykewyse as the largycion and yeft¹⁴ of eny other mann his good is called theft in the lawe, so were it grete extorcion and cruelnes to exerceyse mercy or myldnes in such thynges as longen alonly to justice and rigoure. And tharfor as for your fyrste article I say the kynges clemencye and myldnes in this partye were none other but wronge and cruelnes. And thogh his justice have hir place at this tyme, his mercy and grace is never the les, for here is no matere to exerceyse mercy tharoponn.

Responcio ad secundum articulum. As for the second poynt and article, wherin ye make a collacion betwex thar offence and the parte that shuld falle in this royaume by exterminacioun of thame, yf in this were eny grounde of reysone I wold in more ample wyse answere to hit. But it is so fryvolus and full of derysioun that with a blaste your rayson may be annulled. Here is a symilitude for hit. I have a roten tothe in my mouthe that vexieth me nyght and day. Is hit¹⁵ better to pull him oute and so make a gape in my mouthe, the whiche I wote well is not good, or elles to plaster him to the confusioun and undoyng of alle the other, and at the laste he wylle falle accordynge to his nature and do to me a schrewyd torne? For soth yf pe kyng hadd no moo lordes in this lande thann thay, yet were it betture with oute comparryson to yefe thame to the handes of Sathanas in perpetuall subvercioun than to reconsile thaim, for the restorynge of thaim were none other but a wylfull submyssioun and exposynge of the kyng to thare wylle, the whiche was never good nor never shall be, for as saynt Augustine saithe *Veternose consuetudinis vis nimis alto radices habet*. Thay bene inextirpable, thay bene incurable. And for that pe kyng shuld be distituted, in the cas presupposed, of lordes and helpers for the tuicion of his royaume it were no maystre to restore thar places amonge so many and so true knyghtis as the kyng hath besyde thaim. And for the cas we be versant in hit, yf the memorye

¹³ Perhaps recurrent.

¹⁴ i.e. gift.

¹⁵ MS. *Hit is*.

and remembraunce of thaim wer utterly extynt and quenched and of all other that ben fals, ther ben other ynough that ben tru to succede thaim. In conclusioun that (*sic*) of this poynt I say that it is more nedefull to the reyaume that thay be eternally depulsed and utterly destroyed thann to reconsile hem in eny wyse. And as for thaire immediat masculine successioun take ye¹⁶ this sentence *Dape solet filius similis esse patri*¹⁷ and furthermore *Qui sequitur riuulus non degenerat ab ortu* and also a wyse mann his counsell is this *ulpeculis dentes maturius abcindere ne cum creuerint dentati patris insequantur frondes*.¹⁸

Responcio ad tercium articulum. The thyrd articule, for all his compendiousnes, is replenyssched of full grete and odyous cavyllacions and unnes may I suffice to yefe any answer tharto. Lysten welle to me now. I remembre that amonge many thinges by the whiche the commone welthe of a royaume stondyth the most principall is this, a due subjeccion with fayithfull and voluntarie honoure and thair appertenance to be yolden to þe soverain in the sayd royaume and that none incompatible astat be usurped by any personne; also that thay that have undre the kynge a governance of his peple that thay ben dyligent to þe kepyng of the kynges lawes and that no wronge be done in any wyse, but that alle controversies and debates civile or criminale, reale or personale, ben decided by the kynges lawes withoute mayntenance or wyfull interrupcion of the cours of justice, and in cas that any thinge falle of the whiche the determinacion is not expressed in the common lawe, thann the prince moste be asked and inquired and by his excedyng auctorite and prudens of his conseyle an expikan¹⁹ shalbe made tharpon, and so that no thinge be done by singular wyll and senceall affeccion. Thes ben certain and grete poyntes that be longyng to the preservacion and encreas of every policie; and who so ever from thes exhorbitant doth any contrariounes to þe premisses he may not be called withoute lesyng protectoure or procuroure of þe commen welth. Now thus have your lordis observed alle the thinges above sayd. God knowes qwhat token of subjeccioun was hit to exalte thaim selfe ayenst the wyll of the soverain, to gedyr his peple, to provoke and to sture him expressly ayenst thar professioun to bere armes in any wyse ayenste the kynge, withoute he were obstynatly repungnant to the faythe. Lord God, what reysounable answer may be yef for the lordis, if they be questioned for what cause thay cam first ayenst the kynge into the Blake Heth, afterwardys to Sent Albonn, where thay dydde such an offence ayenst thaire soverain the which, as I trow, was inexpyable and suffycient to be repelled from the mercy of any mann, and for as moche as thay made never du satisfaccion tharof it is for to be supposed thay were the more enclnyed to thaire other laste iniquite, for as saynt Gregorye sayth *Peccatum quod mox pertinenciam*²⁰ *non deletur suo pondere ad aliud trahit*. Now it²¹ is so that they not oonly hadd no repentaunce for thaire offence and innominable transgression thar commytted, but also by thar fastidious²² and usurped power did mayntein and auctoryse thaire execrable trespas and undir cororable (*sic*) meanes

¹⁶ MS. *þe*.¹⁸ Probably *fraudes*.²⁰ For *per penitenciam*?¹⁷ Probably *Sape solet similis filius esse patri*.¹⁹ Perhaps *explicacion*.²¹ MS. *is*.²² MS. *fastigious*.

and subtile ambicion withdrue the hartes of many of þe kinges peple enclinyng thaim by cavyllous persuasions to thar entent. I passe over in this, hit wer to longe to declare all the harmes and myseries that thay caused to be done in that season, but I wylle insiste som what more to thaire laste mooste termynal offence, the which, as I trow, was no poynt of persuacion of þe good publique. Whann the kyng accordyng to his pleasure lay in pesable wyse in his castell of Kenelworth withoute suspecion of eny yvel, intended non harme to no crysten mann, and your lordys that were sogregat²³ and distaunt in dyverse places of this reyaume so sone²⁴ came to geders, wherof no mervell was, for it was appoynted bytwext thaim longe tyme before, and what was thaire purpose than ? Yf the kyng had not resysted thaim myghtily as he dyd hit wold have bene knowen now. Trow ye thay will have procured the commone welth ? Certainly I hold him not very tru that thynketh other wyse but that thaire intent was so subverted to commone welthe as it may be provyd expressly by thaigument of thar demeynyng towardis the kynges peple. And amos[n]ge many defaultes, yf the kyllynge of that noble kynght the lord Audeley with so many tru men that wer with him, yf the longe vexacion and inquitablenes that thay caused the moost gracyous kyng to have, with the gret trayvell, laboure and costes of his tru lordys him assistynge at that tyme, also the irreparable damages and irrestorable ruynes²⁵ that thay made and caused the kyng ofte to make by the way of thaire passage, in þe whiche thogh thaire cause so grete lamentacion, so pituous playntes, so many mens undoyng, so many and horrible synes were commytted and so contagious example yeven—yf thes thynges or any of thaim ben accordyng to þe tuicion of þe commen welthe or to þe procurynge of þe publique prosperite, than thay ben true. What shall I say ? All this day were not sufficient to expresse the tenthe parte of thaire odyous and pernicious²⁶ demeynyng, and for thaire governaunce, it is to inaudible to be rehersed. Thay dyd pretende a reformation of wronges and extorcions used as they sayd in this royaume, and þe soverain, the mooste endeles mysrule of all the syners of þe world did reste in thaim and in thar servantis. Yefe no faith to my saynge. All the contres aboute knowen well what extorcions, what injuries and oppressions, what partie makynge and division thay did and caused to be doon. How many prive conventicles undir thaire tuicion and support have ben made to þe subversion and misdrawynge of many men, and at whos occasiō the kyngese peple was daily slayne and muredred. Thes ben notable poyntes of preservynge of the common welth. But here a worde and an ende hereof. In case it hadd be so that the good publique of þis royaume hath ben vacillant in any wyse and in perill of decay, what auctorite and pouer had thay to reforme it, the kyng present and not yevynge thaim commyssioun tharof ? Ye say perhaps that it longeth to every persoune of þe commynalte to oppose himselfe to þe ruyne of the good publique. But it is not so whann autoryte laketh. Remembre of a noble emperoure the which punysshed his one sonne of capitall payne for be cause he went withoute auctoryte to thexpeditioun of the commen welth, and yet he had a noble triumphe and a glorious victorye of his ennys. But for to

²³ *Sic.*²⁴ *MS. some.*²⁵ *MS. raynes.*²⁶ *MS. pervisiuous.*

circumscribe the boldnes of presumpcioun in other men he executed justice upon his owne son. O lord God, what paynes have deservyd the lordis in thaire odible and contamynable usurpinge of þe kynges power upon thaim, in the whiche thay perpetrid so many and orable exces, whiles þe noble adolescent dyed for a notable and a memoriall expedicioun of the common welth? I cann never have done with this article that is so contagious. Thann it oghe not to be sayd of no very tru man that thay intended eny poynt of þe common welth, but the fynal subversion of þe kyng, of his lawes and of his tru peple, and what more thaire presumptuous exaltinge, the fullyllyng of thaire olde and longe afore precogitat malyce upon all thoos that ben not falsh as thay ben. Hit is thann full necessarye thaim to exclude from the sorte of good men and þe moste cogitable odious wyse to punysch hem and extermynе thaim with oute mercy.

Responcio ad quartum articulum. Howe be it that a suffyciant answerе myght be hadd to the iiiiith article by that that was in mediatly rehersed, yit not withstonyngе ssomwhat more wylle I say to þe openere undyrstondyngе of your grete and guilfulle cavelacions provable that þay dyde never harme. For soth it is, more oftentymes thay ben so open that hit is no nede of other probacion, and I also in partye have declaryd here afore. But þ^t thay did never good I prove it undyr this forme. Alle the worching and accion that ony mann dothe taketh a denominacion and praysyngе of the finalle ende pretended. But hit is so that in alle thaire worchingе thar entent was righte noight as it apered evermore. And so t[h]oghe thay dyd many gloriус and bostyngе dedes with a colorable semblant and pretens of the commen welth and sayd that they entended but goode that²⁷ evermore thaire conclusioun was infecte with prefe, how so be it that þe peple in many places was desayvved and blyndede by þe subtile and covertе malice and colorable fraudes that they used in all thinges. And as for the peremcion of thaim the whiche as ye say was²⁸ mysruled, God knoweth and rayson wytenessith also t[h]ogh hit had ben so, hit was not thaire parte to take upon ham such a thinge. Who made hem juges? And what proces was it had of thaire mysrule yf thay had ben suche as ye say? Thay made an ende of many betterе knyghtes than ever thay wer at that execrable jorney of Sant Albonn, the whiche wer as highe in state as thay. And, good syr, what imperye or auctorite hath a lyke degre to other of þe same? The lawe saith *Par in parem non habet imperium neque minor [in] maiorem*. Per aventure ye say that alle the world cryed aponn thaim þe whiche thay slewe; and I say that thay were principall cryers and styrrares of other. Was het then no harme so to perverte the proces of ryghtwysnes and justece? And that thay did²⁹ oponly whan thay toke upon thaim thoffyce of auctour and accusator and thoffice of wytnes and of þe juge ayenst all maner lawes, divine or positive. Furthermore was it no harme to kyle that mercifull and most gracysous kyngе that now is? And how be it that þe blyssed grace of God saved³⁰ him at that tyme and soufryth him as yet to be alyve, thay dyd neverthelesse thaire utterly devoure to undo him, and proceded as farre tharin as thay myght, sawyngе the cou-

²⁷ Perhaps yet.²⁸ MS. and.²⁹ Perhaps had.³⁰ MS. savand.

vertenes of thaire pernicious³¹ entent. Thar was none harme also in the robberyng, rewynge and spoylynge of the kynges peple and of his servauntes specyally? But here may be noted an indicible harme, the whiche perhappes is not gretly pondred. And that is thauctorysement and mayntenance and opprovynge of all þe harmes that thay dydde. Hit is the proprete of eny mann, without he be suche that is all brutall and bestyall of condicion, to be schamefull and in a manere sory for his offence, and as scripture sayth thereof growith the begynnynge of ablenesse to have mercy. Then thus sithenn it is so that thay putted away the meanes of mercy and pardon by thaire obstynacie and mayntenaunce of thaire mysdedes, hit is not resonable nor expedyent to yefe hem eny mercy. And t[h]oghe thay hadd it at that tyme, it was but condycionall, yf thay wold abyde in good rule. But it is so that thay have broken the condycion by thaire relaps. Than is it but right and also resonable to adde thaire olde wykedenes to the new, and so to yefe hem to eternall perdition withoute mercy.

Responcio ad quintum articulum. Ye provoke me to lake³² by the rehersall made in your fyffete article inducynge a grete apparent inconveniens of þe outwarde ennymes of þe royaume. I woll well that þe strynght of eny region stondeth moche in the multitude of good knyghtes. But say thus with me, of good knyghtes and tru, hawynge no syngulere wyfulnessse tacomplesshe thaire owne wyll but oonly that ben descendynge to þe commaundementis of the soueran. Were your lordys of such dysposicion? ye may not say it with trouthe, I wis. Is hit³³ not then better to have fewe or noone of such as thay ben, than is to amplyfie the nombre of thaim or to suffre hem to abyde. Also for that, that thay ben of olde auntytrie, of grete myght and strenght and gretly in the favoure of the peple; as for the fyrste hit redoundeth the more to thaire abhominable ingratitude and unkyndenes, considerynge that thar furste exordye and begenyng cam of the kyngis large munyficence. Forasmoch as no man may by lawfull vendicacion calange ony lordeshippe or astate in this royaume but of the kyngis formost yeft, than the more that thay were exalted and before other prefered, they hadd greter cause of more and lawlyer subjeccion unto thaire soveran; and the more unky[n]de thay were in the doynge of þe contrarye. As for the favoure of the peple thaire is no grounde of sure argument, for by cause hit is so varyable and for the moost parte it groweth of oppynable conceytis, and not of trowith. Hit is a schrewyde consequence: The peple favoureth hem, *ergo* thay be good. Who so hathe rede in the olde storyes, he may be sufficiently informed of þe grete varyablenes of the peple and of thyncertitude of thaire oppynions. But I passe over in this and comme unto the laste clause of youre article wher in ye say that thay may emende and be goode here after. It is incredible to any resonable man that an inveterate consuetude might be chaunged withoute the destruccion of þe subjecte. But it is so that your lordis ben so habituat in thaire malice that thay have exercised by so many reysterat accions that hit is an impossible of nature that ever thay myght be goode. Wytenes herof to my purpose full

³¹ MS. *provicious*, corrected in marg.

³² i. e. 'amusement,' see *New English Dictionary*.

³³ MS. *Hit is*.

acceptable as me semyth and thes ben of God saying in this wyse *Si mulare poterit etyops pellem suam, aut pardus varietates suas, sic et vos bene facere poteritis cum didiceritis malum*. Looke you what this menethe. Traw ye that thay þt have bene fals so many tymes may ever be tru, and that thay that have bene forsworne so often may ever say trawthe ? Thenke not þe contrary but it were as harde to make hem tru as for to make an olde trotetere to amble. And for to say the trouthe undir correccion of þe soverain, I hold it but a presumption to trust thaim. Lyke wyse as yf a mann puted his hand in the mowthe of a wyldy lyon temptyng God yf he wold save him from harme of the sayd lyon, every mann wold him accuse of his ooune detrimentes, so is it in this case. Whiles thay may be kept oute, whate wysedome were it to revoke hem home ? Lete hem be well avysed to whome this apperteyneth. But I hold bettere with the oone thann with the othere. Hit is no dowte of hit. Yf thay ben reconsyled ayen thay wyll worche moche harme and more thann ever thay dyde, and shall mow bettere thann befortyme for dyuers skylles that may be resonably conjectured. Thann to resauue thaim that ben so suspecte and therwith to entre into a so grete jeopard what may hit be callydd but a temptacion of the helpe of God. Wytenes herof Saynt Augustine sayinge in this manere : *Qui periculum quantum cavere potest non caret magis Deum temere quam in Deo sperare dicitur*. Therfor I conclude, hit were a grete simplenes, for ony of youre reasons above sayd, to accept them by way of reason or of reconsyement in ony wyse, but the rather to put hem in eternall profligacion and uttermost exterminy.

Responcio ad sextum articulum. Now I comme to your laste article, that hath in him more derysions thann letters and in the whiche ye use wordes of blasphemie rether thann of persuasioun, and as I conceyve youre pryncipall entent tharin is to deduce for an impossible that youre lordys may not ben overcommen, what for thaire grete pouer and latente supportacion that thay have, as ye pretend, and shall have within the lande who so ever lete hit. As for the fyrste, it were an hard worlde yf thay myght be comparable to þe kynges pouer, to the whiche euery subjecte oght naturally due subjection and obeyssaunce and promytude of jeopard of his body and goodes for the fulfyllinge of his highe and dredefull commaundementes made by reason. And howe be hit that many deluded persons by thair³⁴ subtile and colorable falsnes have yevyn assistance to thaim, and do as yet, therby nevertheless es many more withoute comparyson that abyden in thaire legalyte and faythfulnesse, or elles God forbedeth. Now as for the truste at thay haue of prive favoure and latente supporte, hit may well be that thay have such, but that it is impossible to latte it I wyll never graunte hit. To chaunge such mennes hartes as ben of³⁵ thaire allyaunce I trowe well it is impossible. But for to latte eny of thaire assystence ayde or conforte, that is not impossible. But at this tyme ye gete no more of mee. I truste in the grete regitive prudennce and polittique provisioun of the kyng and of his tru lordes that thay cann ways innoghe to restrain and lette all the helpe and subsidies in the which thay trusten. And to put suche a direction thairin as shall withdrowe all

³⁴ M. *thais*.³⁵ MS. *a*.

manere of douutes and perplexytes in this be halfe. And so I say that for ony fere of youre rediculous reisons hit is no nede to yewe hem pardon or mercy, but the rather to exercise aye[n]ste hem all the pointes of rigournes that may be thoght to thaire irreparable destruccion as I have oftene tymes said her before.

Post ubi vero singulis articulis segregata³⁶ responsa sunt subdita turgidus ille prece tristicie qui prepete nimis cucurrerat caballo³⁷ tacens et elynquis et quasi mutus stupore permansit nec habuit quod ad responsa replicaret. Quando³⁸ tandem cum rubore qui non vocatus advenerat illicenciatus recessit, et quidem michi visum est locum ex eius absencia plurimum valuisse, remansit autem regius orator cum gestu placido rege coram et dominis, a quibus pro suscepto labore condignas grates audiuit et tandem placidissimo cum more ab regis extitit licenciatus presencia. Ego vero autumans omnibus finem aduenisse disposui tacitus mecum abire. Sed antequam primum peregissem passum, affuit qui me per scapulas sociali traheret modo inquires 'Prestolare paulisper auditurus que vel qualia proferet in medium qui iam de novo coram regis serenitate surrexit'. Et aspiciens vidi virum staturum ad modum dicentis ac procerum baiulans insignia qui modestissime se ingerens, de aliquid perorando faciliter obtinuit licenciam per quem voce non tam sonora quam placida sequentis propositionis extitit facta³⁹ narracio.

Treshault tresnoble et trespuissant prince, trescrestien et tresredoute Roy, et vous mons treschiers et treshonores signeures, aprece ce que per la mutuelle collocucion eue entre cez deux persones que nagueses se sont dici parties jeusse attendu certains pointz et articles de lune dez partie et la responce a yceulx faitte par lautre, en quelx y a selonc mon aduis grant enuolupment de doubtes et dyfficultes, il mest venu a courage desoubz vostre benigne⁴⁰ supportacion et⁴¹ sofferance de dire aulcune chose pour lemmunniment et declaration diceulx. Et ne veul point pour cause de briefte faire recapitulacion de totz leur dis et des singulers raysons contenues in eulx, mais deray seulement se que me semblera bon destre dit touchant leschoses dessus nommes. Je dis primerement⁴² que cest choses trescognue que yceulx jasdis signers, dequelx a este faicte mencion cy deuant, ont sy grandement mespris enlencontre du Roy et du byen publique de ce Royaume quil nest pas en leur puissance de faire deue satisfaction ou digne amende.

Item il appoot (*sic*) manifestement par leur cottidiains faitz quilz nont point de remors, ne de regratement pour loure trespas.

En oultre il est chose clere quilz ententent et proposent silz⁴³ peulent de faire aulonge mauuail fait et perilleuse entreprinse a lencontre du Roy et de tous ceulx qui seront trovez contraires a leur volente.

Quartement il fait a doubter quilz pouront paruenir a aulcune pernieieuse conclusion, se resistance ny est mise legierment (?) pur lussitenonce congruentes faisance verisimilitude.⁴⁴ A ce attende la clameur du com-mugn et la pietate⁴⁵ consideration eue entre les bienfaisans et feables hommes et les aultres de contrarie disposicion.

³⁶ MS. *segregata*.

³⁷ MS. *Qui*.

³⁸ MS. *bringne*.

³⁹ MS. *lilz*.

³⁷ MS. *cabello*.

³⁹ MS. *factat*.

⁴¹ MS. *and*.

⁴² MS. *prennement*.

⁴⁴ This passage is corrupt.

⁴⁵ Perhaps read *petite*.

Or fault il pour acceleracion et necessaries remedes auoir bon aduis aux choses dessusdictes. Il me semble de prendre si longue deliberacion sans effecte, pure sauoir ce que se doit faire de ceulx quil ont fait tante de maulx encontre Dieu et leu[r]e souverain signeur, quilz ont este cause du meuldre de tant dommes, de lexillement de tant de biens, et quilz font ⁴⁶ voye et chemin a ⁴⁷ tant de perilz a aduenire, ce ⁴⁸ nest aultre choses que dissimiliere et de souffeire volontairment tant dinjures. Il est a savoir p[our]tant ?] que le plus grant foment et norissement que puisse[n]t estre poure traison rebellion et aultres choses de telle nature cy est retarder et dissimilire remedes : Car comme Salustius dit : *Si vos paululum languere viderint feroces aderunt*. Il my a chose que chose que (*sic*) soit plus confortable eux ennemis dune partie que de les voire negligence et remis en leur fais. La procrastinacion que[l]le fait de jour en jour retrait le cuere dez gens de byen faire.⁴⁹ Il ne feust onques veu, senon par vangance de Dieu ou par trop grandes vecordites, que les soubges dung signeur le puissent surmonter.⁵⁰ Et benoit soit Dyeu le Roy nest pas mal ame. Il a le cuere de tous les bons hommes de son royaume et je cuyde que plus par sa douceur et benignite que par alter manere, le prouerbe est verifie en luy que dist : *Peragit tranquila potestas, quod violenta nequit*. Doncques il ne fault que diligence en ceste matiere et laboure pour vnion auoir entre ceulx aux quelx appartient ladressement de cez choses. Mey sauoir fault que par concorde petite choses cressent et par diuicion tresgrandes et puissans riches vent a nyant. Il ne fault point du tout esprere en Die. Il conuient mettre la main a leure et puis ⁵¹ Dieu donra son ayde. Car comme Salustius dit : *Non votis mulierum deorum parantur auxilia. Vigilando consulendo bene agendo omnia prospera cedunt, vbi vero te secordie atque ignauie dederis, ne quid deos implores, irati enim infestique sunt*. Doncques fault il matre diligence a parfaire ce quon entent de faire ou autrement ce nest quauanture son vient a bone fin. Et quant est a la maniere de proceder en lencontre de sez rebelles et faulx ⁵² hommes de bontez je men report en la tresgrande prudence du Roy et de son tressage conceil. Toutesfois je cuide quil feroit grant byen se cez trois choses quilz sensuient estoient obseruees. Primerment se ceulx qui ⁵³ font ou qui faire voudroient aulcungs especial fais pour et en lonneur du Roy et du ben publique en lencontre dicestes maleureuses gens estoyent magnifiquement garandonnez et remunerez et mis en ferme esperance de ce pour leure singuleers fais et notables exercis. Secondement que chescung fust ⁵⁴ de bone valour et courage a exposer tant son corps comme sez biens pour lexpedicion dessusditte sans faire dangiere ou regramement de prester ou de donner au Roy de sez biens pour et a cause de sormonter et mettre a nyant cez faulx et desleiaux hommes dessusdis. Halas donc ⁵⁵ peult venire sy grande oultrecuidie ⁵⁶ et si perylleuse ignorance de penser que aulcunge singulier, de ⁵⁷ quelque estat quil soit, puisse demorer en sa prosperite avecques ⁵⁸

⁴⁶ MS. *sont*.⁴⁷ MS. *et*.⁴⁸ MS. *se*.⁴⁹ *fauere*.⁵⁰ MS. *fermonta*.⁵¹ MS. *inserts de*.⁵² MS. *faulx*.⁵³ MS. *quilz*.⁵⁴ The words *en lencontre*—*just* are here repeated by blunder of the scribe.⁵⁵ Perhaps read *don*.⁵⁶ MS. *oultrecuidie*.⁵⁷ MS. *die*.⁵⁸ MS. *avecques*.

la sauegarde de luy, de cez biens et amis, sil aduenoit, ce que Dieu ne veulle, que la chose publique allast a meschief. Il ne fault point cuidre que ceux qui entendent lexillemeit et ruyne du bon Roy voulsissent espargnier aucuns priue persone. Nest il pas⁵⁹ vray que le bien commung nest autre chose que le biens de toutz ? Donc sil perist que demandront ses singuliers ? Comment feront lez parties quant le total se gastera ? Il ne fault point ymaginer que lez grandes famillez, les riches appairellemens dostel, la noble vesture, les desirez tresors et biaux regars de juraulx,⁶⁰ la grande pompe et habundaunce dez viures, auecques la tresdouce et aimable compaignie de femmes denfans et damis puisse demorer et consister auec aulcung singuliere homme, de quelque estat quil soit, se le bien publique va en nyant. Et pour ce chescung doit auoir grant desire daider⁶¹ a la destruction des ennemis publiques. Et qui ainssi ne le fait sil na sauffisaunt excus il est notable de suspexion quil a aulcune alliaunce faueure ou amore a ceux qui⁶² entendent la commune ruyn et luniverselle subuersion. Jay testmoing⁶³ de cecy cent Augustin: *Non poteris aliter innocens videri nisi ea negando que non possunt ab innocente committi*. Tout homme qui a entendement plus que la best brute ne peult dire que jay offence en cecy. Il y a ausy vng autre point digne de grans remedes, et est de la souffrance et tolleracion de cez controveurs de nouelles et mansongues qui par leur cottidianis adinuencions forment trouble le commyng et sont causes de plusieurs mauuailx conuenticles et de diuers pernycieuses entreprises. Et fait moult a doubter que ces faulces gens ennemyes ont leure procurement entre nous, quilz oient et sceuent ce que est dit et propose en lencontre deux, et puis ont leure art de forger⁶⁴ mansonges et nouelles a leure plaisir pour et affin denpechier le proces en lencontre deux, et ny a point de doubte quilz font beaulcope de mauulx et sy ny homme qui si oppose pour lez troneire et punire. Chescune autre policie a certains painnes et⁶⁵ notables punycions pour telx cediciose personnes et pour telx controveurs⁶⁶ de nouelles. Et par lez loz ciuiles ilz se duent decapiter. Ce soit donques bon et convenable de mettre remede aux choses dessusditz et de radressiere tontz defaults et puis dallere incessamment a lexpodicions requise et necessarie. Mais de dire que je maccorde a leure pardon ou indulgence en nulle maniere du monde je ny puisse consentire. Car il fait forment a doubter que jamaiz ne pouront byen vouloire au Roy ne a sez vrais hommes, maiz tousiour enclineront en leure longue accustumee mauuetire. Et pour ce il est transnecessaire⁶⁷ de son byen gardere deux.

Et his dictis preclarus ille perorator finem dicendis imposuit et cum graciaram accione copiosa recessit. Tunc exeuntibus vniuersis loci vacuum apparuit. Celebrata prima digestionem nexus soporales in me dissoluuntur, egoque excitatus a tam graui sompno surrexi. Et quia visa hiis que nunc aguntur rebus magnam similitudinem videntur habere, breui stilo eadem describere curam ad rei indelebilem memoriam. Explicit.

⁵⁹ MS. pay.⁶⁰ MS. quilz.⁶¹ MS. and.⁶² Perhaps joyaulx.⁶³ MS. cestmoing.⁶⁴ MS. controuenus.⁶⁵ MS. daideere.⁶⁶ MS. forgie.⁶⁷ Sic.

Anna Trapnel's Prophecies

THE Bodleian Library¹ possesses what is probably a unique folio of the late Commonwealth period. The title-page and preliminary leaves are wanting, but the text, with the exception of a leaf or two, appears to be complete. It is assigned to the year 1659. It was purchased from Mr. Bertram Dobell's Catalogue for December 1901.² Mr. Dobell had previously published an extended account of the book in *Notes and Queries*, 9th series, viii. 319 f.

The book [he says] is a thick folio volume of nearly one thousand pages. It is printed in double columns, and is almost wholly written in doggerel verse . . . each page contains on the average about 128 lines. . . . My copy . . . is (or rather has been) lettered on the back 'Quaker Poems'; but this, as I shall show, is not a proper description of it. It would have been more correct to call it 'Anti-Quaker Poems' . . .

The work consists of a series of addresses or discourses which were delivered to a gathering of 'Companions'—for so the speaker always calls them—in the years 1657 and 1658. The rimes of which they consist were extemporaneously composed—or at least were supposed to be so composed. . . . The addresses were taken down by a reporter, who confesses that the lady sometimes spoke so fast that he was unable to follow her.

Mr. Dobell calls attention to the fact that the author or prophetess, whom he also styles 'woman preacher', speaks with high praise of one Tillinghast and one Pendarves, and confesses that 'her followers were few and uninfluential'. Though unable to identify her, he concludes that she may once have been a Friend or Quaker, who 'for some reason deserted the Friends and attempted to found a sect of her own'.

Two points call for special notice. In the first place, the material presented in the volume is not the work, strictly speaking, of a 'woman preacher', but of a prophetess, who seems to have been in a trance when she uttered her so-called prophecies, and who must have appeared to the people of the seventeenth century much as do modern mediums and clairvoyants to us:

We were told she could neither hear nor see, and yet she answers our words, and knows we are in the room . . .

While the prophetess was prophesying and in a state of trance, she was evidently regarded by the reporter, at least, as only the medium for transmitting what is called 'the Voice', which spoke very swiftly and gave the impression of being of divine

¹ Pressmark, S. 1. 42. Th.

² Report of the Curators of the Bodleian Library for 1901, *Oxford University Gazette*, No. 1049, p. 507 b.

origin, and could become so loud and piercing as to drown the most noisy ragings of opposition at what was uttered.³

Secondly, the dates on which the prophetess delivered her various utterances are carefully recorded in the volume, and it appears that all the verse in this immense work, and probably much more not contained in it, was delivered by the prophetess in the presence of her followers and others on the following comparatively few days: 11, 13, 14 October; 5, 12, 28 (?), 30 November; 1, 2, 3, 4 (?), 14, 15, 26, 29, 30, 31 December 1657; 1, 2, 3, 24, 25, 26 January; 2, 3, 4, 6, 7, 17, 18, 19, 21 March 1657/8; 4, 5, 7, 12, 13, 16, 17 April; 23 May; 19, 20, 25, 26, 27 June; and 2, 3, 4, 6, 7 August 1658. The bulk of the volume, accordingly, may be said to have been delivered in only nine sets of several consecutive, or nearly consecutive, days, as namely, 28 November–4 December, 29 December 1657–3 January 1657/8; 24–26 January; 2–7 March 1657/8; 17–21 March; 4–7 and 12–17 April; 19–27 June; and 2–7 August 1658.

It may be added that the treatise in all probability had a title-page, and also three other preliminary leaves; and that, while it may be difficult for the reader immediately to grasp the exact meaning of all the utterances of the prophetess, there is more than a mere meaningless 'drift' of thought in her rambling rhymes.

Some idea of the character and quality of the extraordinary flow of 'prophesie' contained in these pages may be gained from a number of characteristic citations chosen from the book, which at the same time illustrate certain views of the prophetess. In the first passage she says, concerning herself and her vocation:

O Spirit, poor Instrument hath found
Thee, a very constant friend;
And therefore she doth sing thy praise,
For thee her voice doth bend.
Poor Instrument hath found thee, Lord,
For fourteen years together⁴

³ See the following passages from pp. 47 and 48–9:

⁴ While this was uttered, the Quakers being present, spake, but could not interrupt; for with more power and swiftness, the Voice went on as followeth. . . . I [the reporter] was an eye and ear-witness to this Psalm against the Quakers, and heard many of their impudent Objections: I shall instance some: Three men came in, sate down in the room, at the end of two hours spake against the truth at the Name of Christ, and election; then the Voice answered their several Objections, which are in the Psalm: they said, We were told she could neither hear nor see, and yet she answers our words, and knows we are in the room, and names me one in the room: at which they raged higher, and spake against the Kingdom-truth [the Fifth Monarchy]; but the Lord sent down a louder voice, that did drown this; and so swift, that the writer could not take [down] all: but as you may read victory, so I can witness that it had victory over them, that they were not able to tarry in the room, but went away raging against the truth in the Psalm. . . .

⁴ Since 1643.

United so unto her soul,
That nothing can from thee sever.⁵

Though the prophetess was apparently in a trance while delivering her prophecies, the following words imply that she must not infrequently have been conscious of what was going on around her :

O brother dear, then learn now
To be more nimble in your Pen
To take this matter, and how,
In what manner it doth come down.

'Why,' she adds, 'are you brethren so dull In taking the Spirits matter?' And goes on to rebuke them for leaving the work unto 'handmaids' who have the readiest pens although they are of the weaker sex.

The succeeding lines give the views of the prophetess concerning baptism :

But from this do not you mistake,
And make the inference fall,
That those that are young Children
Should be baptized now,
For the Apostle in this allusion
Did not of that allow.

O they are plunged in the water,
A little sprinkling will not do :
For what similitude hath that
To this Baptism that is true ?⁶

The prophetess, while she speaks of herself in one of the preceding citations as 'poor Instrument', seems to have been fearless in doing what she considered to be her duty as medium for 'The Spirit and Voice'. The liberty of conscience thus enjoyed by her is well illustrated in the passages which follow :

The Spirit and voice hath made a league
Against *Cromwel* and his Host,
And against all those that of themselves,
And their own doings so boast.

The Voice and Spirit hath made a league
Against *Cromwel* and his men,
Never to leave its witness till
It hath broken all of them.

⁵ p. 366.

⁶ p. 76. On pp. 130-1 the prophetess suggests that she was imprisoned in 'Bridewel' before she was immersed, and that on her release she received a new baptism by immersion, thus fulfilling a hope that apparently had first come to her during her imprisonment.

Spirit and Voice hath made a league
 Against *Cromwel* and his Crown,
 The which I am confident the Lord
 Will ere long so strike down.
 Spirit and Voice hath made a league against him
 That hath such a Traytor been,
 And acted such false treachery
 Against the mighty King.
 But him the Lord will come forth against,
 And his posterity
 They shall not sit upon his throne,
 That he hath lifted up so high.

.

The Voice and Spirit hath made a league
 Against Church-members all,
 Who fall in with apostates, and
 Endeavour to build up their wall ;

.

The Voice and Spirit hath made a league
 Against those rash brains too,⁷
 That have not the standard set up
 That is the Ensigne new.
 The Voice and Spirit hath made a league
 Against the rash throughout,
 Which causeth the Name of God to be blasphemed
 Amongst the hellish rout.
 Because of them the Name of the Lord
 Is evil spoken of at this day
 Amongst apostates, because of the rash,
 Because of what they do and say.⁸
England did promise and engage
 Great things for God to do :
 But now, alas, they are started from
 His interest so true.

.

Cromwel he did appear for Christ,
 And did much bloud engage
 For him, and for his interest,
 His enemies to enslave.
 When *Cromwel* came forth in his name,
 Victory did abound ;
 For he did say he came for Christ,
 And to exalt his Crown.
 He fetcht his government from Christ,
 O 'twas a master-sin.⁹

⁷ This passage evidently refers to Thomas Venner and his followers.

⁸ pp. 272-3.

⁹ p. 840.

At times the sombre, if not ascetic, character of some of the prophetess's utterances is varied by a lighter note :

Friends, eat your meat with pleasant melody,
And relish oyl and wine

O the black horse shall not harm you,
It shall not any thing do,
Till you are marked¹⁰ in the foreheads,
That are faithful and true.¹¹

The ultimate source of the Fifth Monarchy Movement, as is well known, is to be found in the apocalyptic portion of the Book of Daniel.¹² In the following citations the prophetess makes reference to this source :

Daniels visions were very choice,
And much there lay therein,
Touching his power and his reign,
That is exalted to be King.
Daniel declares of his high seat,
And of his royal throne ;
In the midst of his Captivity,
He beheld the smiting stone.
The little stone that so should smite
Upon the Image strong,
And that should have a power for
To hurl them all along.¹³

But O the time, the time it will come,
The which *Daniel* did see :
The time, the time and half a time,
A time wherein much there shall be.
When the three years and a half draws neer,
O then much you shall see :
O then prepare your selves to fight
Against the enemy.
For till time, times and half a time is
Accomplished, look up
With humble submission unto him,
That drunk the dregs of that cup,
Which shall be given unto you,
For you shall afflicted be
For his names sake, and suffer much
From the insulting enemy.¹⁴

¹⁰ Venner and his comrades employed what they termed 'a private mark' (*ante*, vol. xxv. 724). Possibly this was suggested by some Biblical statement like that referred to in the text.

¹¹ p. 264.

¹² p. 305.

¹³ Especially ch. ii. 37-44, vii, &c.

¹⁴ p. 312.

Finally, the prophetess's contempt for school learning is shown in these lines :

Thou shalt read the visions *John* had,
Not after the learned Doctors way ;
But thou shalt read them in plainness,
And clear light in thy day.
Thou shalt not read what's spoke of Dragon and Beast
With University-art ;
But thou shalt read with Kings seven eyes,
And an enlightned heart.
Thou shalt not run to antichrists Libraries,
To fetch from thence any skill
To read the Revelation of Christ,
But be with knowledge fill'd.¹⁵

From the citations as a whole we obtain a clear view of this mysterious prophetess. Manifestly her interest chiefly centres in the speedy return of Christ as King over all the kingdoms of the world. At the same time she pleads for the immersion of believers, but in a subordinate way, such as plainly shows that the Anabaptism advocated by her was partly maintained in the desire to promote the Fifth Monarchy. Her views closely resembled those of John Pendarves of Abingdon, and she can hardly say enough in praise of him. But she inveighs fiercely against Venner and his followers. On the other hand, a spirit of fighting and a great hatred of Cromwell and his supporters pervades a considerable portion of her utterances, so that it is very difficult to see any real difference between her opinions and those of the turbulent Venner, except in so far as she appears to have been willing to wait for an unmistakable and decisive call for the 'Saints' to rise in arms, when the 'time, times, and half a time is accomplished'. In fact, this contentious and loquacious prophetess must have been a unique character in her time—quite as unique as her book seems to be to-day—and we may not unjustly suspect that she was none other than that Anna Trapnel to whom reference is made in the following instructive letter :

^M
Copy of Another letter from London, Dated 21^o-10.-54.¹⁶

As for your desires concerneing Anna Trapnell, it is (to be playne) to me a very strange dispensation, yet I am perswaded she hath communion with God in it, but under what sens [?] to ranke it, I am at some stand. The dispensation is strange, because rare, more strange, because to me there appeares no such amongst the scripture Records, as to the

¹⁵ p. 842.

¹⁶ 21 December 1654, Rawl. MS. A. 21, p. 325. In 1894 Professor Firth published this letter in the second volume of *The Clarke Papers* (Camden Society), pp. xxxiv-xxxvii. He agrees with me in my application of it to the case before us now.

manner of it, for I cannot reckon it among the visions and Revelations of the Lord, because in the things she utters (whether in verse or prose) it's onely what she hath beene conversant in before, and had the knowledge of, as now she spoke much concerning the Windsor prisoner¹⁷ (which those that knew not she had beene there would have thought she had by Revelation) and of the young men, and their meeteing which she is conversant in, and much taken with. If she did continue in it but for one or two dayes, I should be apt to thinke she might do it when she would, in the strength of parts, save for two thinges. 1st. she is so stifed in hir Body that were she not warm[e ?] one would thinke hir dead. 2^{ly}. Because (she saith) she cannot make a verse when she is hir selfe. But it is strange to me she should continue for 8 dayes, as she did now, and I am ascertained (from those I can beleive as if I saw it my selfe) that she Eate nothing all that tyme, no, nor drunke, save once in 24 houres a little (and but very little) small Beere. And on the last day of the weeke she declared in my heareing, that she would be the next morneing at the young mens meeting, which I much doubted, seeing how she lay, and had layne ; so I went that morneing on purpose, and found hir there, she takeing me by the hand ere I was aware ; she came out without eating, or drincking save a little small Beere, yet did not experience hir selfe weake, or fainte. My Lady Roles heareing she was there, called hir to goe to Lambith in hir Coach, with whome I went also, and though wee spent the whole day there, she refused to Eate. In our converse she was full of affection, with what sweet enjoyments she had of God the whole weeke. I tould hir it was the opinion of some, that what she delivered was from the strength of hir naturall memorie ? she answered, No ?¹⁸ but throwne in by the spirit to hir. I have sometymes said, that I thinke God in this dispensation doth teach his people, that when our Communion with him is enlarged, a very little of the Creature will satisfie us. . . .

B : T :

Though apparently not a Friend or Quaker, three works of Anna Trapnel's are mentioned by Joseph Smith in *A Descriptive Catalogue of Friends' Books*, vol. ii (London, 1867). He also mentions a scarce print of 'Hannah Trapnel, a Quaker¹⁹ and pretended Prophetess', by Gaywood, published in quarto by J. Caulfield in 1823. From a citation taken from her book entitled *The Cry of a Stone*, 1654, we may gather further information about her as a prophetess, and the manner in which she delivered some of her prophecies :

Vpon the seventh day of the eleventh month, called *January*. 1654 [new style, 1655], being the sixth day of the week, Mr. *Powel* Preacher of the Gospel in *Wales*, being according to Order from the Council now sitting

¹⁷ Apparently for prison.

¹⁸ *Sic*.

¹⁹ This description, of course, does not prove that Anna Trapnel was a Quaker, but merely expresses an opinion. As a matter of fact we know that in 1654/5 she was a member of John Simpson's church in 'All-hallows', and had been for about four years. In 1657 and 1658 her views apparently had not changed.

in *Whitehall*, come thither to give an account before them of some things by him delivered in his publique Exercises in *London*, among other friends who came thither to see what would be done with him, there came a maid, Mrs- *Anna Trapnel* by name, who waiting in a little room near the Council, where was a fire, for Mr. *Powells* coming forth, then with a purpose to return home: She was beyond and besides her thoughts or intentions, having much trouble in her heart, and being seized upon by the Lord: She was carried forth in a spirit of Prayer and Singing, from noon till night, and went down into Mr. *Roberts* lodging, who keeps the Ordinary in *Whitehall*; And finding her natural strength going from her, she took her bed at eleven a clock in the night, where she lay from that day, being the seventh day of the month, to the nineteenth day of the same month, in all twelve days together; The first five days neither eating nor drinking any thing more or less, and the rest of the time once in 24. hours, sometimes eat a very little toast in small Bear, sometimes only chewed it, and took down the moysture only, sometimes drank of the small Bear, and sometimes only washt her mouth therewith, and cast it out, lying in bed with her eyes shut, her hands fixed, seldom seen to move, she delivered in that time many and various things; speaking every day, sometimes two, three, four and five hours together; and that sometimes once a day, and sometimes oftner, sometimes in the day only, and sometimes both in the day and night. She uttered all in Prayer and Spiritual Songs for the most part, in the ears of very many persons of all sorts and degrees, who hearing the Report came where she lay; . . . The things she delivered during this time were many; of the four first days no account can be given, there being none that noted down what was spoken. For the rest of the time, from the fifth day to the last, some taste is herein presented of the things that were spoken, as they could be taken by a slow and imperfect hand.²⁰

On page 3 of the same book Anna Trapnel gives a brief account of herself and her friends:

I am *Anna Trapnel*, the daughter of *William Trapnel*, Shipwright, who lived in *Poplar*, in *Stepney* Parish; my father and mother living and dying in the profession of the Lord Jesus; my mother died nine years ago, the last words she uttered upon the death-bed, were these to the Lord for her daughter. Lord! Double thy spirit upon my child; These words she uttered with much eagerness three times, and spoke no more; I was trained up to my book and writing, I have walked in fellowship with the Church meeting as²¹ *All-hallows*, (whereof Mr. *John Simpson* is a Member) for the space of about four years; I am well known to him and that whole Society, also to Mr. *Greenhil* Preacher at *Stepney*, and most of that society, to Mr. *Henry Jesse*, and most of his society, to Mr. *Venning* Preacher at *Olaves* in *Southwark*, and most of his society, to Mr. *Knollis*, and most of his society. . . .

From all the foregoing evidence it cannot be doubted that Anna Trapnel was the prophetess whose words are recorded with

²⁰ pp. 1-2.

²¹ For *at*,

so much patience in the thick folio. Unfortunately I have not yet been able to find another copy of it, or any mention of such a book, in any bibliographical work that I have consulted. However, there is in the British Museum another apparently unique work of Anna Trapnel's in quarto, dated London, 1658, bearing the following title, which may also be the approximate, if not exact, title of the folio, namely :

A Voice for the King of Saints and Nations ; Or A testimony of the Spirit of the crucified Jesus, the risen and exalted King of Kings, and Lord of Lords, the Lord Protector, . . . the great Ruler and Conquerour of all principalities and powers, and spirituall wickednesses in high places. These are poured fourth by the Spirit through *Anna Trapnell* in variety of Psalms and spiritual Songs uttered many dayes together. . . .

The quarto consists of iv + 91 pages, and has on page 1 the very same words, excluding some slight changes of punctuation, with which the Bodleian folio begins. Further, five of its six main divisions, except for minor alterations in the expression of the headings and other insignificant differences, evidently contain exactly the same material as is found under those headings in the folio. The contents of the sixth and closing main division, delivered on 'Feb. 7. 1657', for some reason do not seem to be included in the folio. The prophecies in the quarto conclude with words, perhaps added by the reporter, or by the prophetess after she had examined the notes taken by him :

*Now then friends treasure up these notes,
Lay them up in your breast,
That you may know the difference,
Between false visions and the best.*

A complete comparison of the contents of the two works is unnecessary, but the reporter's preface in the quarto probably indicates the contents of the missing preliminary pages of the Bodleian folio, and may therefore be partly cited :

To the little Remnant that are followers

of the Lamb in this day, where ever it shal meet you.

Be pleased to understand that I desire, whom [*sic*] am an eye and ear witness of this glorious Revelation from Jesus Christ, which is let down in singing from *David* our King, which I beleeve to be according to his word written, and if you examine these singing lines, you shall find it to accord with the Scriptures ; you are desired to take notice in the beginning of these Psalms it was said, that originall-Book was opened to us, wherein is to be observed the love of God held forth in a Dialogue, between the Father and the Son, and next what the Spirits work was [,] the rest is choice and excellent matter, so much as came down about the space of seven dayes,

the writer could not attend so early, nor write so swift ; but much is wanting ; but I have perused it, and find the maine is not omitted, for you to understand what a Confirmation of truth against errour comes down at this day, with a livelier voice then any Creatures voice, and a livelier testimony against all that is against truth, beyond all the testimonies of all the Saints, together with their ordinary measures of the Spirit : I do beleieve it to be the testimony of Jesus, the Spirit of prophesy ; for these ends it is published, that those in the Country, which cannot attend it so frequently, might partake of it in some kind, but in my hearing hath the lively voice called to Country Saints to come and lye under the powerfulness of it ; . . . therefore let us not despise it, because it comes through a handmaid, by name Mistris *Anna Trapnell*.²²

CHAMPLIN BURRAGE.

*Some Unpublished Letters of George Savile, Lord
Halifax, to Gilbert Burnet*

THE following letters are copied from the originals now in the Bodleian Library (Add. MS. A. 191). Bound up with fifty-two others from various distinguished persons, they are addressed to Gilbert Burnet, the historian, Lecturer at St. Clement Dane's (1675-83), and Preacher at the Rolls Chapel (1675-84). The correspondence begins soon after Lord Halifax went to Rufford in the spring of 1680 ; it ceases during the contest over the Exclusion Bill, and is resumed in February 1681, ending in May, immediately before he returned to town.

Nos. I, II, IV, V, and VI are the answers to the letters of Burnet to Lord Halifax, published by Miss H. C. Foxcroft in the *Camden Miscellany*, vol. xi. The undated fragment, here numbered III, written after Lord Rochester's death on 26 July 1680, must have crossed Burnet's letter of the 29th, containing the news and describing a last interview. The letters to which the remaining four are replies are not forthcoming. The series ends with one dated 16 October 1682, which has been printed in Thomas Burnet's memoir of his father and elsewhere, and is therefore not included here. For several references I am indebted to the kindness of Professor Firth.

DOROTHY LANE POOLE.

I 1

April 5, '80.

When I grow to bee the most mortified man in the world, and given up to a greater pitch of selfe denyall, than the most melancholy fryar

²² p. iii.

¹ This is an answer to Burnet's letter of 27 March 1680 : *Camden Miscellany*, xi. 45.

could ever pretend to, I will coniure you to write no more, from the apprehension that it looketh too like a sinne for a man to bee so much pleased, as I am, to receive your letters ; but till such a fit cometh upon mee, of which at present I have no manner of symptomes, I must repeat my thanks for them, as for very welcome things, and to bee valued, not only as they are confirmations of your friendship, but as they give mee a great deal of light of what is doing in the world, from which I am not yet so absolutely weaned, as not to hearken a little, especially when there are things upon the stage, sufficient, if not explained, to fright a poor ignorant man at this distance ; so that your Apologies are extreemly misapplied, and I must interpret them rather as remembrences to mee of my obligation to you which yet are unnecessary to one that hath so great a sense of it. This business of Ireland² hath revived the generall disquiets, which seemed before to bee a good deal allayed ; my wishes in all these cases are that the examinations may bee strict, and short, that the bottome of everything may appear, to prevent the ill use which may bee made of things, whilst they hover, and remaine in suspense. I do not know whether I guesse right at one part of your letter, but my thought is, that an intire resignation in Spirituals may in some cases, bee a very good argument for Temporall preferment ; if this is a mistake, do not let mee continue in it. I find the Coffee-houses have resumed their wonted style, or else they would not make such discourses publique as you mention.³ to us who know nothing, the waves seem to beat very high, and yet it is possible they may fall againe without a storme ; that shall ever bee part of my prayers, as it must bee one of my wishes, that you will alwayes preserve me in your opinion as,

Your faithfull humble [servant]

HALIFAX.

II⁴

July 10, '80.

I find one must despayre of ever seeing the town grow cool, since neither the absence of the Court, nor the Long Vacation can do it ; but still something is done to keep up the heat, and to entertain the world ; wee in the country are glad enough to hear every day new things, if you will secure us wee shall not at last pay dear for our curiosity. At present all men seem to acquiesce in the expectation of the Parliament, for which the King hath engaged himself very farre by his iniunctions to the Judges to declare his resolution in it. Upon the hearing Dr. Lloyd is made a Bishop,⁵ I would fayne hope you might succeed him in St. Martins, and I beleeve all the parish to bee of the same mind, which meethinks should go farre in a thing of this nature. I hope my Ld of Rochester's indifference for life, will not make him neglect any means to preserve it, for his penitence is onely of use to himselfe if hee dyeth, but if hee liveth, the world will

² It was rumoured that the Roman Catholics in Ireland intended to revolt, assisted with money from France.

³ The legend of the 'Black Box'.

⁴ Answer to Burnet's letter of 3 July : *Camden Miscellany*, xi. 39.

⁵ Of St. Asaph.

have the advantage of such an eminent Convert. I have no more to adde, but to lament the impossibility of seeing you whilst I am at this distance ; I am

Your faithfull humble servant
H.

III⁶

... seldome fayleth to hit every blot that is layed open to them. If, my Ld Rochester is dead, there is so much due to him, as to acknowledge, hee had at least as much wit as any man in England that is left behind him : much less than hee had must keep him from being an Atheist, for which it is very hard if not impossible for any man to be fool enough. If hee made use of the same heighth of fancy which might tempt him to committ faults, and applyed it towards his end to quicken his repentance, it may have made him full amends for all the errours it hath ever betrayed him to. I usurp upon your office, when I say anything of this kind, or else I had added, that the world is grown so foolish a thing, that a witty man may very well bee ashamed of staying in it. I am

Your faithfull humble servant
HALIFAX.

IV⁷

July 31, '80.

I must lament the losse of my Ld of Rochester,⁸ though the manner of his leaving us maketh it an unkind thing to him to bee sorry for it ; but our grieft in these cases is alwayes for ourselves, and I swear I am touched with the kind words of a dying man, who, though hee shewed some decay of his senses in speaking too well of mee, yet it seemeth you did not think his end was so neer when you left him ; my gratitude to his memory, must make mee very glad of the commission hee hath given you ; Hee hath sat to you, and I am sure you will make him like, that hee may live a little longer amongst us, and being drawn by so good a hand, the beauty of such a penitent may draw all men's eyes and thoughts to it, and make them forget everything in him, but what is fit to bee followed and esteemed. I am not pleased that wee at St. Martin's must despayre of you, for I am still for myselfe, yet for your sake I congratulate the appearance there is, of your succeeding in Covent Garden,⁹ which I should not do if I did not think it a step to better things ; I beleeve I shall bee tempted to a piece of nonconformity, and stray sometimes from my own parish, a sinne you are to absolve me for, when you are the occasion of it. I am

Your faithfull humble servant
HALIFAX.

Your recommendation was enough to make mee desire such a servant, if I had a vacant place for him ; not having any I sent him to my Ld of Devonshire, with your letter to mee, but it seemeth hee is full too.

⁶ Written between 26 and 31 July.

⁷ Answer to Burnet's letter of 29 July : *Camden Miscellany*, xi. 41.

⁸ He died 26 July.

⁹ On the removal of Simon Patrick, the incumbent of St. Paul's, Covent Garden, to St. Martin's, Westminster, in succession to Bishop Lloyd.

V 10

Aug. 9, '80.

Whilst you continue your kindnesse in writing, you must be content sometimes to bee troubled with my thanks for it ; the account you give of things in Scotland, giveth ground to fear there may bee some disorders, if more than ordinary care bee not taken to prevent them ; the obstinacy of the man that lately suffered there¹¹ will be called by a better name, by all his party, for Justice when it is very severe, is apt to bee called cruelty, the people generally, out of their compassion to those who suffer, and their hatred to those that governe, being byassed to give a wrong judgement, in these cases. If my Ld Duke Hamiltons going to the Isle of Arran, is from any discontent, I am extream sorry for it, having very good wishes for him ; I will not lose the hope of seeing you better established,¹² though the appearances at present seem to discourage you ; Meritt is a long way about, but it is a very sure one, and upon that foundation, you may, without breach of your modesty, expect any advancement the Church can give in England, but I beleve your friends will bee more impatient in your behalfe, than you will bee for yourselfe ; and in the mean time you need not envy anybody ; having the pleasure of imploying your time, in that which doth not onely give you a present satisfaction, but will raise you higher by a preferment of your own creating than you can bee made by any other hand, though never so liberell, or more properly, never so just to you ; I assure you my long stay in the country hath not made mee weary of it ; my absence from better company hath made mee grow down to it, so that I doubt whether I am now fit for any other place ; but I think, the time of the year, and some small affayres I am to look after, will bring me up the next month, and then I am to say a good deal to you, if you will let mee, of my obligation to you, for so often remembring

Your faithfull humble servant

H.

VI

Rufford, Aug. 23, '80.

I congratulate with you the pleasure you must have in finishing a work the world is in so great expectation of,¹³ and the hearing it reviveth my impatience till I see it, in the meantime you will I suppose entertaine yourselfe with giving some account of my Ld Rochester, concerning which, do not think it impertinent that I give you this caution, which is, that it is not possible for you to write on a subject that requireth more care, and therefore though it looketh like a slight thing, and such a one as you would rather play with, than spend much, either of your time or thoughts

¹⁰ Answer to Burnet's letter of 7 August : *ibid.*, p. 43.

¹¹ Hackstone, one of Archbishop Sharp's murderers : see Burnet's letter of 7 August. *Camden Miscellany*, xi. 44 and note 1.

¹² It was now certain that, in order to prevent Burnet's succeeding Patrick at Covent Garden, the latter would not be moved on to St. Martin's.

¹³ *The History of the Reformation* which Burnet spoke of soon completing. The preface is dated 10 September 1680.

upon it, let mee beg of you to bee exactly carefull in it, and to file it over oftner, than you have ever done anything that hath come from you ; I will allow you to laugh at this unnecessary tenderness of mine, provided you will not take it ill of mee ; The parliament being now prorogued to October, in a manner that maketh it beleaved, all men's thoughts will bee upon it, with exclusion to anything else, and I hope, sometime the next month, to know your coniectures, which will be necessary to direct so ignorant a man, as my long absence hath made mee. I am

Your faithfull humble servant
HALIFAX.

VII

Rufford, Feb. 21. '80.

I received yours yesterday with the sermon¹⁴ which I assure you from such an Author, is a very acceptable present to mee, and I made haste to read it, though I had heard one in the morning. For out of Parliament I am a very good protestant, notwithstanding that dull fiction of my journey to Cornburgh,¹⁵ and many others of the same size, which shew God's judgement upon malice, or else my noble friends might have been happier in their invention ; sure your style did not please some of the auditors, for to mee it appeareth there is a part of your discourse cometh very close to what they are now adoing ; so that I expect shortly to hear you are a fallen Angell, and though I should not reioyce at a friend's disgrace, yet selfe interest will not allow mee to bee sorry for anything that will make you fitter company for mee, who am so hardened by being rayled at that the spears and arrowes which come out of some men's mouths cannot pierce mee ; and that I may not bee discomposed with the melancholy prospects you mention, I can wink and resolve not to see mine till it cometh so neer as to save the trouble of taking care to avoid it ; so I hope that in spite of the storme that threatneth us, I shall have calme enough to read and enioy your 2^d. volume,¹⁶ for which I have expectations big enough to lessen if not destroy the pleasure I shall take in it, if it came from any other hand, than one where I am secure not to bee disappointed. The things you tell mee give occasion for many comments, but they must bee sad and unpleasing, and therefore not fit to entertaine you with, and since nothing groweth here to write to you, the best thing I can do is to release you, after the assurance of my being ever

Your faithfull humble servant
HALIFAX.

VIII

Rufford, 5 March. '80¹.

I must thank you for your book,¹⁷ and should do it more, if you had not restrained mee by your preface ; I swear, I must chide you, at the

¹⁴ 'A Sermon before the Aldermen of the City of London at St. Lawrence Church, 30 January 1680/1, being the day of the Martyrdom of King Charles I.'

¹⁵ Cornbury Park, Oxfordshire.

¹⁶ The second volume of Burnet's *History of the Reformation* is advertised in the catalogue of books for Hilary Term, 1680/1: Arber, *Term Catalogues*, i. 428.

¹⁷ *The History of the Reformation*.

same time that others are angry at the compliments you bestow upon mee,¹⁸ for though I should not bee displeased with your partiality to mee, confined within reasonable bounds, yet to raise mee to a character, I am as little able to make good, as I am desirous to pretend to it, doth but expose mee the more to censure, which at this time is not very necessary, and getteth anger to yourselfe from those who, as much as they are your friends, will not easily forgive you so great a mistake. It is a very difficult style I am to use in this case ; for between expressing myselfe so as may look like the anger of a Lady that teareth a love letter, though shee liketh it, and the omitting anything that is fit to bee said in returne to what is kindly intended, I am so puzzled that I dare not venture to say any more, how much soever the subiect may require it. I can with more liberty tell you how sensible I am of your kind advice, about my going to Oxford,¹⁹ where I have no temptations that can persuade mee to like the journey, but on the other side I do not know how to indulge my selfe so farre as to excuse my attendance in parliament especially at such a time as this, and going as I shall do with the intentions of contributing all I can in my little capacity to a better composure of things, in which I hope I am so fixed, that the douceurs I expect from some of my noble friends shall not bee able to shake mee ; besides I am unwilling to give them the handle of saying I avoid them, for I am sure their gentlenesse is such, as would give everything that I do, the worst interpretation ; those very men who perhaps might bee content I stayed at home, would, if I did so, impute it to fear or guilt, and instead of allowing it to be a meritt in mee, would make it a trophy to themselves ; I must not gratify them at this price, but this I will say that let them come to parliament as men ought to do, with no shemes ready drawn, nor resolutions taken beforehand, let there bee no Lords of the Articles to exclude the consideration of anything they do not propose, and then let all men bee tryed and iudged whether they do not in their severall stations promote everything that may tend to healing and reconcilment, upon this measure I am content to receive my sentence, and I cannot make a better wish for the publique, than that every member of both houses might come with as good a meaning as I do to Oxford ; things ly in a wide compasse, but raiseth difficulties, and anger keepeth them up, so that, God knoweth, my hopes can by no means keep pace with my wishes, and I begin to bee more solicitous to seek out arguments to persuade mee to bear being undone, than to find out remedies to prevent it ; you see how a man's retired thoughts do naturally warp towards the more melancholy and despayring side, so you must take them with that allowance, and not receive them as grounds to discourage you from hoping better things, but however you may bee disappointed in that, I am sure you shall never bee so in beleeving me,

Your faithfull humble servant

H.

¹⁸ '... the right honourable the Earl of Halifax, whom if I reckon among the greatest persons this age has produced, I am sure all that know him will allow that I speak modestly of him. . .': *History of the Reformation*, vol. ii. 5, ed. by N. Pocock.

¹⁹ Charles II's last parliament met at Oxford on 21 March 1681, and was dissolved within a week.

IX

April 24, '81.

It is an admirable thing that lyes should follow mee so, as no distance from the mint of them can secure mee; sure there is somewhere great love and consequently great iealousy for the dominion of Ireland, that it runneth so much in their minds, when it never so much as entred into mine; some comfort still, that a new thing is found out for mee, a blew ribband by all means; they might guesse better, if they either knew the Court or mee, but I leave them to go on in their mistakes, since I find they take pleasure in them. The short stay I made at Oxford, would have secured any other man from much blame for what could bee done in so little time, but it seemeth I have made a shift to do what I thought impossible, which is, to get further into some men's dislike,²⁰ which I concluded was before at the height; it seemed to mee, they had before given mee *les dernières faveurs*, but I see there is more behind, which I must expect upon the first good occasion; in the great controversie at Oxford, our men of Law²¹ were as confident of one side, as those in the house of Commons were of the other. I can say no more for myselfe, than that I thought my selfe in the right, and do so still, till I am convinced, by better arguments than bare votes. If I know my selfe (which by the way is no easy thing for a man to do) I can say, I may bee apt enough to mistake in publick things, from a defect of understanding, but I am pretty sure, I shall not mingle any resentments of my own, to help to misguide mee; I have a watch upon myselfe for it, and without that, I must own to you, my provocations have been such, that I might bee surprized; I have been long enough alone, to cool my thoughts, and I wish some of your friends had not theirs more heated, than is proper for men that undertake the cure of a Nation; I would have it perfected, let who will do it, and shall willingly lay down the government of things, which it seemeth, is by some, out of great respect, no doubt, imputed to mee, though at this distance. It is a satisfaction to mee, that such visions and censures, do no more gaine credit with you, than they give trouble to

Your faithfull humble servant

HALIFAX.

X

May 9, '81.

If you are rightly informed that the expedients were never intended by one side, I am sure they were very unskilfully refused by the other; for next to gaining the point quite, the best is to put those wee differ with in the wrong, and in an age when appeals to the people are so much in fashion, they would have been made with more advantage in that case, than they can bee now. When omissions are made, it is a better method to resolve to mend them for the time to come, than to endeavour to cover them by arguments that will not hold; but I must not bee so

²⁰ Halifax strongly opposed the Exclusion Bill.

²¹ 'Some seven or eight disobliged lawyers and able speakers in the House': *Memoirs of Sir John Reresby*, ed. by J. J. Cartwright, p. 209.

bold as to censure, though in an intervale of parliament I am to bear strokes not to give them, and I assure you, by the habit of it, I am to my thinking grown to bee a very patient man ; I agree with you, that wee do but guesse when wee iudge of ourselves, and therefore I can undertake no further for myselfe, than I have already told you, which is, that I think I am not angry ; and I am at least so reasonable as to beleeeve it fitter for others than for myself to iudge, whether or no I think right. I take no pleasure in aggravating the provocations I have had, I will onely hope that there having been so much heat spent upon mee, there remaineth the lesse to hurt the publique, and then I shall the lesse repine at the part I have had of it ; in the mean time, your undertaking to defend a man so decryed, is such a dangerous piece of friendship, that I am not in iustice to expect it from you. It is a satisfaction to mee, that you allow mee the same place in your own thoughts, that I had before this storme came upon mee ; It must bee my part not to make you ashamed of beleeving well of me in relation to the publique, and for yourselfe you shall never have reason to doubt of my being

Your faithfull humble servant

HALIFAX.

Reviews of Books

Quellenkunde zur Weltgeschichte: ein Handbuch. Unter Mitwirkung von Dr. ADOLF HOFMEISTER und Dr. RUDOLF STÜBE, bearbeitet und herausgegeben von Dr. PAUL HERRE. (Leipzig: Weicher, 1910.)

IN this volume of four hundred pages, of which eighty pages are a three-column index, Dr. Herre and his collaborators have attempted to compile a guide-book to universal history. The entries in each division or subdivision are arranged under different heads, original authorities, modern authorities, national or provincial, law, institutions, the church, intellectual and material conditions, &c. In addition, they are printed in large or small type and grouped according to the relative importance which they possess in the minds of the authors.

The arrangement, though intelligible enough, is too elaborate. For example, no advantage is gained by the more or less distant separation of general works dealing with a particular country during a particular period from special works; the number of cross-references is in any case so large that it might have been increased with a gain in simplicity. But criticism will be directed not so much to the method as to the achievement of the authors. Their task is a most difficult one: we are reminded in the preface that M. Langlois regards hope of success as a delusion. As the authors modestly admit, the work must be approached from the point of view of their nationality; the treatment must become less and less intense as the subjects are further removed from German interests. The work of historians who do not use the ordinary Teutonic or Romance languages has wisely been omitted from the lists, except in special and unavoidable cases. Subject to these limitations, a book of this kind should satisfy a few definite conditions. It should not lay too much stress upon the country of its origin; it should, in the case of other countries, call attention to the chief original authorities in the best editions, to the best modern books and monographs, especially those which the student is unlikely to know, and to avoid worthless or second-rate books. This particular handbook satisfies these conditions very unequally. The English reader will find in it all and more than he needs for a study of German history—this part of the book is indeed satisfactory; he will find also a fairly good, though badly arranged, record of the materials for French history, and, so far as we can judge, a good short list of authorities for the history of the United States and South America; but we fear that the German reader will not get much help in his British studies. We hope that a second edition will soon be needed, but we also hope that the authors will put themselves under the guidance of some

British scholars before they reissue the British section of the work. The book as a whole, though useful, is very far from satisfactory. Most of the proper works are noted, but there is too much artifice, too little real discrimination. Except here and there the authors have evidently not experienced the feeling for what is good and what is bad in historical literature outside their own country. Historical literature, however scientific its pretensions, has to satisfy so many canons of judgement that even the best scholars seem rarely able to compare with a sure touch the merits of different books in a foreign language.

It would be unfair to put forward a list of errors or omissions without saying that we have already found Dr. Herre's undertaking useful. It is a real help to have, in a handy form, the titles of the chief collections and modern writers. But it may be helpful to give some idea of the defects of the book, and especially of the English part. Occasionally, too much attention is given to the titles and too little to the contents of historical works. For example, Gierke's *Deutsches Genossenschaftsrecht* demands a more important place than the modest entry under the 'materielle Kultur' of Germany in the Middle Ages. A beginner who wished to know what to read in order to study medieval political theory would overlook it. Again, Miss Leonard's excellent book on the *Early History of English Poor Relief* was evidently considered to be a study of medieval religious charity, and appears in small print under M. Cabrol's *L'Angleterre chrétienne avant les Normands* (p. 98), instead of being entered on p. 208. A similar misunderstanding probably accounts for the omission of all M. Delisle's books, except the *Catalogue des Actes de Philippe-Auguste*, of the Gascon rolls, and of the work of Vigfusson and York Powell; also for the inclusion of the late Father Tyrrell's *Mediaevalism* as a guide to the medieval spirit (p. 85). Another cause of confusion is the casual treatment of essays and papers, whether in periodical or in volume form, a consequence of the reliance on reviews and hasty reading. Mr. Round's *Commune of London* is inserted among the general authorities for British history, and Stubbs's *Lectures on European History* are given the place of honour in the list of authorities for general European history; but more general collections like Freeman's *Essays*, Stubbs's *Lectures on Medieval and Modern History*, Lord Acton's *Essays*, and Froude's well-known studies are consigned, with Macaulay's miscellaneous writings and essays, to oblivion. Indeed, British and French scholars are sometimes badly or inadequately treated. Mr. W. H. Draper's *Life of Alfred the Great*, Mr. Pirie-Gordon's *Innocent III*, and half a dozen German histories of English literature are taken; Mr. Stevenson's *Asser*, Maitland's *Canon Law*, all the works of Hallam, and the literary histories of Taine and Jusserand are left. Mr. Joyce's *Short History of Ireland* is taken, but not his large book; similarly, M. Allard's summary is preferred to his big work on the early persecutions. The names of Evans, Grenfell, Hunt, Hicks, Greenidge, Pelham, and Haverfield do not appear among the books on ancient history; nor those of Wulf and Mandonnet among the books on scholastic philosophy; nor those of Jullian and Rice Holmes upon Celtic Gaul and Britain. Irish and Scottish history especially is badly treated, except for the insertion of some useful books by German and French writers; the same is true of English institutions and later English history generally.

Hill Burton, Stokes, Gilbert, O'Donovan, Falkiner, Terry, Anson, Sir James Stephen, Lowell, Bagehot, Sidgwick, are not mentioned; nor are Professor Dicey's *Law of the Constitution*, the historical work of Leslie Stephen, and the writings of Halifax, Wesley, Malmesbury, Burke, Fox, Greville, or Cobden. Among omissions in other parts of the book are the published *Cahiers* of 1789, the reports of the revolutionary committees in France, the chief work of M. Émile Bourgeois, and of M. Gide. But it is useless to pile up the record of omissions. The aim of this criticism is to show the need of a careful revision. It is possible that critics in other countries will feel as we do, that a brave attempt has been marred by hasty selection and lack of proper supervision and of balanced treatment.

The index is good, and gives the titles of their books after the names of the writers. It reminds us, *inter alia*, that Sir George Trevelyan is divided into two authors. Mr. Fisher suffers the same fate.

F. M. POWICKE.

La Durée et l'Étendue du Voyage d'Hérodote en Égypte. Par CAMILLE SOURDILLE. (Paris: Leroux, 1910.)

Hérodote et la Religion de l'Égypte; Comparaison des Données d'Hérodote avec les Données égyptiennes. Par CAMILLE SOURDILLE. (Paris: Leroux, 1910.)

THE chief merit of these two treatises lies in the grouping of the facts discussed and the logical and critical examination of the problems connected with Herodotus's description of Egypt. M. Sourdille is not known as an Egyptologist, and perhaps does not add to the available evidence for appraising this earliest history of Egypt, but he has made himself familiar with the views of previous writers and, in general, with the literature of the subject, and is not without the great advantage of having seen the country with his own eyes.

In the *Voyage d'Hérodote* it is argued that Herodotus saw Egypt during the inundation, that his visit could not have long outlasted that season and must have been comprised in a space of four months. Each city named in the text is treated in a special paragraph which focusses all references and the evidence for Herodotus having visited it, and then an itinerary is made out. The upshot is that Herodotus landed at Canopus, and thence proceeded over the flooded Delta to Memphis. From Memphis he went south to beyond Hermopolis, where the channel of the Bahr Yusif branches from the Nile and passes down the west side of the valley to the Fayûm, known to the Greeks as the Lake of Moeris. According to M. Sourdille, Herodotus turned northward from Hermopolis and followed the Bahr Yusif all the way to Moeris and the Labyrinth. Coming back to the junction with the Nile by the same route, he resumed his journey southward as far as the boundary of Egypt at Elephantine, of which, however, he saw practically nothing before hastening back to Memphis. From the capital he went north to Sais and Buto, then crossed south-eastward to Bubastis, made an excursion to the end of the Wady Tumulât and the canal of Necho and Darius, and finally travelled along the Pelusiac branch

of the Nile from Bubastis past Daphnae to Papremis, i.e. Pelusium. M. Sourdille's argument goes some way towards convincing the unbeliever of the reality of Herodotus's visit to Egypt, even to Upper Egypt, of which he records so strangely little. Herodotus had little intercourse with the natives, and seldom penetrated within the brick girdle walls which hid their temples from view; what he learned, he learned through the medium of aliens, endowed with far less curiosity than himself. He was not a Burckhardt, a born observer of men and things in strange lands, whom no material difficulties could hinder from seeing and mentally recording. In the short space of four months Herodotus travelled from end to end of Egypt and zigzagged from side to side of the Delta, and the rapidity of the long journey gave little opportunity for comprehending the novel sights and conditions which met him everywhere.

Simultaneously with the *Voyage d'Hérodote* appears the larger work, *Hérodote et la Religion d'Égypte*, in which the Herodotean data are compared with those of the monuments. The results of this are referred to in the *Voyage*. A further volume on the religion is promised, apparently to analyse the mental attitude and prepossessions with which Herodotus approached the Egyptian religion. Perhaps this means tracing the intercourse of Greece and Egypt in the earlier days; in any case it is certain to be interesting. Some details of Herodotean lore have escaped our author's eye; such as the important explanation of the military term *Hermotybies* as originally meaning 'horsemen', recently given by Professor Spiegelberg; the co-operation of a professional Egyptologist might have been advantageous in many places. But M. Sourdille's work is a solid and remarkable contribution such as has not been made for many years to this department of Herodotean literature.

F. LL. GRIFFITH.

Essays on Roman History. By HENRY FRANCIS PELHAM, late President of Trinity College, Oxford, and Camden Professor of Ancient History. Collected and edited by F. HAVERFIELD. (Oxford: Clarendon Press, 1911.)

ALL I wish to do in the following brief notice of these essays, most of which are well known to all students of ancient history, is to show how well they represent the invaluable work done by Pelham at Oxford, and indeed in the country generally, and how well too they recall to the minds of those who knew him personally, or ever listened to his lectures, the peculiar qualities and characteristics of the man himself. But I must say a word to begin with of the skill and care with which they have been edited by his successor and intimate friend. Seeing that some of the papers are twenty and even thirty years old, an editor might well have been tempted to deal with them as some future reviser will have to deal with Pelham's masterly articles in the *Dictionary of Antiquities*; but with a wise instinct and a tender touch Professor Haverfield has left the text of all the essays exactly as the author left them himself, and even in the notes has limited himself to a very few necessary additions. Here and there in these notes he gives us a bare hint that an opinion of the writer,

or of some authority quoted by him, is no longer generally accepted ; and where new inscriptions or monuments have been found, as more especially in the paper on discoveries at Rome, he gives us in brief the necessary information about them. His self-repression and excellent judgement will meet with universal approval ; evidently the work was a labour of love. And his succinct biographical note is entirely adequate.

I said above that these papers represent Pelham's work at Oxford, and this is true ; but they are not that work itself. He was the leading and most inspiring pioneer of a new and enlightened idea of the study of classical history, and his name will never be forgotten in the annals of Oxford study ; but he did his work not so much by writing as by talking, criticizing, lecturing. His knowledge seemed so great and yet so accurate, and he used it in conversation or criticism with such perfect clearness, such confident sureness of foot, that the effect on the hearer was usually to make him go home at once and try to bring himself up to the same level of knowledge and accuracy. No doubt the majority of those who heard his lectures merely took them down carefully (which it was always possible to do, though he kept his hearers hard at work as he went on), without taking further trouble to work round them or think about them ; but there must have been many who were lifted in spite of themselves to a higher conception of historical work than they had ever dreamt of before. So, too, at meetings of societies, where he seldom remained silent a whole evening, he impressed us in the same way. I learnt from him in this way more than one all-important secret of Roman history, which I could never forget, because it came from him with such inspiring authority.

This, I think, was Pelham's real work at Oxford, especially in those earlier years when we were learning what the study of ancient history really meant. That work, and the later work he did as professor by bringing us more closely into touch with the best work done on the continent, is accurately represented in the volume before us. Take the first essay in the book, that on the Roman *curiae*, which I remember hearing him read in its first form to the Oxford Philological Society. The first volume of Stubbs's *Constitutional History* had been published, but was unknown to most lecturers in ancient history ; the process of settlement of an armed host on the land, there described, offered a possible solution of a puzzling question in Roman antiquities, and the wholly rational and practical use made of the comparative method (then much in vogue) served as an admirable lesson to one at least of his hearers. That question of the *curiae* is perhaps insoluble ; but another of these papers read to the same Society (*Princeps* or *princeps senatus*) settled a disputed question once for all, and is rightly republished here, though for thirty years hardly a dissentient voice has been heard. Another paper at the end of the volume also belongs to this period (on the Pagus), and showed hearers and readers the direction in which his later studies were to lie. This and a fragment on *pascua*, more picturesque perhaps than any other in the volume, are good examples of the surefootedness I mentioned just now, and show, too, how far beyond our limited notions of that day about 'Roman' history he had already got by 1885 or so. He made us realize

Italy, as afterwards he made us realize the empire. It is the empire, with all the new light gained for it by the publication of the *Corpus*, which is best represented in these essays. We have six masterly papers on this vast subject, beginning with the inaugural lecture on the *Colonate*, and including an unpublished chapter on the domestic policy of Augustus, at least as good as anything that has been written on that subject. Nowhere else have I seen the religious side of that policy so fully taken into account or so forcibly stated. Lastly, the two papers on the Roman frontiers, and the very interesting one on Arrian as legate of Cappadocia, represent the later phase of Pelham's work, when he wrote to sum up in masterly fashion the work of others, or to throw new light on it by careful criticism.

Thus these papers really represent a noble life's work; but they also fully and happily recall the man himself. In each of them we have the same clear and authoritative manner of expression so familiar to all who knew him or heard him. Sentence after sentence in page after page is a bare and simple statement of fact or opinion, each perfectly intelligible, and each on the same high level of historical dignity. There is even a certain austerity in the writing which was characteristic of the man, and was probably the half-unconscious result of a sense of responsibility lying on one who undertakes to speak or write about historical facts. The matter of each sentence is the main thing—what his mind worked on; but it was so clearly shaped in his mind when he wrote, that the form is always perfect in its way, in striking contrast with the slovenliness to which we are accustomed in many German works of research, and in these days occasionally in French or English ones. There is no rhetoric and no hedging: all is simple and direct. It is curious that he hardly ever allowed himself even a metaphor, and once or twice when I have found one in these essays it has almost startled me. He was not a man of imagination, except in that sense in which every historian must be capable of being present with all his faculties there where his mind is at work. But in the days when we were only beginning to think of history as a serious study, as in some sense a science, it was not a man of imagination that we wanted, but one of strict conscientiousness even to austerity; and such a man, to our lasting benefit at Oxford, we found in Pelham.

W. WARDE FOWLER.

Coins of the Roman Republic in the British Museum. By H. A. GRUEBER.
3 vols. (London: Printed by Order of the Trustees, 1910.)

In the first and second of these three splendid volumes the keeper of the department of coins and medals in the British Museum has described the coinages of the Roman republic and of the empire under Augustus down to the year 3 B.C., including the Romano-Campanian and Social War issues, together with other issues in Italy outside Rome, and the so-called 'military coinages', i.e. those struck in the various provinces by the generals commanding (or their delegates) for the use of the armies in the field. The third volume contains tables of finds of Roman republican silver coins; of *cognomina* on Roman republican coins with the names of the

gentes to which they belong; four special indexes (names and titles of moneyers, remarkable inscriptions, and so forth), supplemented by a general index of nearly eighty pages; and, finally, 123 plates giving clear and satisfactory reproductions of almost exactly 2,000 coins. Prefixed to the first volume there is an introduction of 125 pages, in which Mr. Grueber gives us an excellent sketch of the whole subject, combining the two supreme virtues of lucidity and brevity. The bulk of the work, of course, is occupied by the descriptions of the individual specimens, arranged geographically and chronologically, those of Rome being divided into sixteen periods. Each period is introduced by an account of its denominations, types, classification, &c., which sets forth its various distinctive or noteworthy features; and throughout there are elaborate notes dealing with the historical questions suggested by the coins. To any but the mere numismatist this is the most valuable, as it must have been the most laborious, part of the work, and Mr. Grueber deserves the gratitude of all scholars for undertaking it.

In a work occupying nearly 1,550 printed pages, and containing so much that is minute, obscure, and conjectural, it is inevitable that mistakes should occur, and that some of Mr. Grueber's statements and suggestions should fail to carry conviction. For instance, Veiovis should not be translated 'the little Jupiter' (i. 320), both because the idea is non-Italian and because the prefix *ve-* does not mean 'little'; while it is reversing the real causal order to say that Veiovis was identified with Apollo because represented as a youthful god armed with arrows. It is incorrect to say (i. 471) that Faustus Cornelius Sulla 'was appointed *propraetor* in Mauretania in B.C. 49 by Pompey': the attempt to procure him this appointment was foiled by the tribune Philippus.¹ Again, Velleius Paterculus, ii. 25, in no way authorizes us to attribute to the father of Faustus a special cult of Diana during his dictatorship; and the bust of the goddess on the coins of Faustus should be explained as referring to the victory over Norbanus on Mount Tifata. The description of the Lex Domitia of 104 B.C. (i. 151) as a law 'by which the right of election was transferred from the priestly colleges to the people' is both inaccurate and inadequate; and no one would guess from Mr. Grueber's wording that the moneyer of whom he is speaking was the tribune by whom this law was carried. At the end of the note dealing with his coinage occur the words: 'The form "Dometianus" for "Domitianus" appears only to occur on coins.' It is difficult to see why the syllable *an* has been imported here; in any case, the numerous analogical retentions of original short *e* in inscriptions and Greek transliterations show that the fact mentioned is merely accidental. It is hardly right to speak of 'the ancient form *divos* for *divus*' (ii. 411) on a coin of 38 B.C.: the spelling *-vo-* was retained to the end of the republic.² We are told in one place (ii. 558) that the Syracusans celebrated the recovery of their freedom in 460 B.C. by the erection of the celebrated statue of Zeus Eleutherios made by Myron, while in another place (ii. 467) the date given in connexion with the same statement is 463 B.C.: but the right date is 465³; the statue erected on the occasion was in no way

¹ Caesar, *de Bello civ.* i. 6. 3.

² Lindsay, *The Latin Language*, p. 267.

³ Busolt, *Griech. Gesch.* iii. i. 172.

celebrated; and there is no evidence to justify its being attributed to Myron. It may also be noted that the general index makes no reference *s.v.* Myron to this twice-repeated statement.

Such things as these are, of course, to be regretted; but they do not detract materially from the value of Mr. Grueber's work. Perhaps, too, the same remark may be made about the much-lamented fact that the portion of the work which deals with the heavy bronze money of Rome and central Italy had been sent to the press before the appearance of E. J. Haeberlin's *Systematik des ältesten römischen Münzwesens* (Berlin, 1905). Even if we assume that Haeberlin's views will stand the test of time, the area affected is not large; nor is the present work a mere handbook, where their omission would be a much more serious matter. It is rather to be described as a storehouse of material for the making of many handbooks, and its appearance constitutes an epoch in the study of Roman numismatics, for which Mr. Grueber deserves the unqualified gratitude of all scholars.

W. A. GOLIGHER.

E. DIEHL, *Vulgärlateinische Inschriften*. (Bonn: Marcus & Weber, 1910.)

THE editor of this useful work has collected some 1,567 passages from the *Corpus Inscriptionum Latinarum*, which throw light upon the character of vulgar Latin. They are drawn from pagan monuments, as a similar collection of Christian inscriptions has already been published in the same series (*Kleine Texte für theologische und philologische Vorlesungen und Übungen*). The method followed is that of arrangement under various heads, e.g. the permutation of certain vowels; and at the foot of the page references are given to the *Corpus* and other works, and the place in which the inscription was found is stated. The editor does not wish to undervalue the importance of locality and chronology, but finds that the phenomena are too widely diffused and the dates too uncertain to admit of division according to time and place. The work consists of eight chapters, viz. (1) changes of vowels, (2) changes of consonants, (3) a collection of curses, (4) Latin inscriptions in Greek letters, (5) accident, (6) syntax, (7) vocabulary, (8) official documents with vulgar tendencies. It may be remarked that chapters (3) and (4) seem strangely placed, and would more naturally come before or after (8). The work also contains indices of names, words, orthographical points, and cross-references to the *Corpus*.

The first subject, viz. the changes of vowels, has already been treated in the monumental work of H. Schuchardt, *Der Vokalismus des Vulgärlateins*; also in Ribbeck's *Prolegomena to Virgil*, where instances are given from the oldest manuscripts of that author to illustrate the changes both of vowels and also of consonants. The subject is one of very great interest both for the student of the Romance languages and for the textual critic. It will be sufficient here to say that the facts are presented by Professor Diehl in a more accessible form than was previously the case. The collection includes some delightful epitaphs, e.g. no. 426:

de nil in nil, qui bidit boni nil. bixit an. ii m. iii di. xxi or. iii. fecit Innoceti mater et pat. fratres dixerunt, tu nobis bibes.

In no. 429 we have the epitaph of C. Domitius Primus:

hoc ego su in tumulo Primus notissimus ille.
vixi Lucrinis, potabi saepe Falernum.
balnia vina Venus mecum senuere per annos.
hec ego si potui, sit mihi terra levis.
set tamen ad manes fœnix me serbat in ara
qui mecum properat se reparare sibi.

Some of the curses are blood-curdling documents. In no. 861 a patron of the turf invokes demoniacal aid against rival stables:

adiuro te, demon, quicunque es, te demando tibi ex anc ora ex anc die ex oc momento
ut equos prasini et albi crucies ocidas, et agitatore Clarum et Felice et Primulum et
Romanum ocidas collida, neque spiritum illis lerinquas: adiuro te per eum qui te
resolvit temporibus deum pelagicum aerium Iaw Iawdaw oopia, &c.

It will be seen that this little book contains much that will be of interest to the general reader; to students of phonetics, orthography, grammar, metre, epigraphy, and paleography, it should be an indispensable manual.

ALBERT C. CLARK.

GIUSEPPE WILPERT. *La Cripta dei Papi e la Cappella di Santa Cecilia nel Cimitero di Callisto*. (Roma: Desclée, 1910.)

THIS most careful work deals with the two chief historical crypts in the catacomb of S. Callixtus, that of the papal tombs of the third century and that of S. Cecilia; it brings up to date matters either omitted or only partly treated by De Rossi. That Monsignor Wilpert was well qualified to do this is clear from his great work on the catacombs; here he has to deal not so much with art as with history, inscriptions, &c., and the magnificent book with its seventy illustrations and nine tables is only another testimony to his labour and his skill.

For many points in the history of the catacombs the only authorities are the *Liber Pontificalis* and the pilgrims' itineraries. The sources of the former, even though illustrated by the labours of Mommsen and Monsignor Duchesne, have still much of uncertainty about them, and the latter are frequently contradictory and misleading. It is not intended by this to disparage them or to call in question their real value, but only to point out how slender and frail are the foundations of much that is at present accepted; and when to this we add the extreme paucity of materials now available in the catacombs themselves, it may be permitted, whilst welcoming each additional work on Christian archaeology, to hold ourselves free to form our own reserves. It is in this respect that the present work is valuable: the writer resists the temptation to dogmatize in matters which are not clearly proved; hence, though he has discovered in the papal crypt the inscription of a certain Januarius, he hesitates, on account of the commonness of the name, to identify him with the deacon of that name who was put to death there. While generally accepting current opinions, he rejects them when his newly-discovered evidence demands it. This is the spirit which should prevail: others with a view to uphold traditional theories overburden their case with examples and parallels which really only weaken it, as when *PTCS* (*post consulatum*) has been expounded into *Pax tibi cum sanctis*.

The huge ossuary under the papal crypt, with its bones of 'thousands of martyrs', has recently been explored with startling results as to the reinterment of those who were originally buried in the catacombs, and Monsignor Wilpert has no hesitation in proving that the early Christians emptied and refilled tombs with little respect for the dead. By a careful examination of the adjective marks on the papal inscriptions he has also discovered that the epithet 'martyr' was never the work of the original sculptor, but was in each case, until the year 258, a later addition; and that this was due, not as De Rossi supposed, to some temporary lack of ecclesiastical permission, but to the chance work of a sculptor in that year when the letter $\bar{m}$ was added to previous inscriptions. Among other discoveries in the recent investigations is the existence of paintings on the marble slabs reproduced in colours on a photographic basis in table i, which shows how vast an advance has been made over all preceding works on the subject in the method of reproduction. Much yet remains to be done in the way of excavation; there are many galleries and cubicles yet unexplored with hundreds of fragments, which only the patience and the learning of a scholar like Monsignor Wilpert can put together: table v is an evidence of this.

H. M. BANNISTER.

AMMIANI MARCELLINI *Rerum Gestarum Libri qui supersunt*. Recensuit rhythmicęque distinxit CAROLUS U. CLARK, adiuvantibus + Ludovico Traube et Guilelmo Heraeo. Vol. I: Libri XIV-XXV. (Berolini: apud Weidmannos, 1910.)

No one who has followed the progress made in the textual criticism of Ammian during the generation which has passed since the publication of Gardthausen's edition will be disposed to question the need of a new recension of the *Res Gestae*. The re-discovery of part of the Hersfeld MS., (once used by Gelenius), the critical labours of Petschenig and others, and the knowledge, due to Wilhelm Meyer, that Ammian wrote in rhythmical prose, have paved the way for a new edition of the text. This the ever-lamented Traube had himself undertaken, but at his suggestion the task was transferred by the Prussian Academy to one of his most distinguished American pupils, Mr. C. U. Clark, now professor of palaeography in Yale University.

A complete account of the present edition must be deferred, as the editor requests, till the publication of the second volume, in which we are promised a complete description of the manuscripts and their relations. The present volume is provided with the necessary minimum in the way of preface and explanation of symbols used in the apparatus. The Latinity of the preface, we note, is hardly as good as might be expected: *abhinc* with the ablative, and *textus nostri* in the sense of 'the text of our author' are questionable expressions from the point of view of classical Latin. Sixteen manuscripts of Ammian in all are known, two of the ninth century and the rest of the fifteenth. Of the two ninth-century manuscripts the Fulda MS., now preserved in the Vatican, marked by insular characteristics and a large number of brief *lacunae*, and the six fragments of the Hersfeld MS.,

now at Marburg, fittingly receive an apparatus to themselves, while the ruck of fifteenth-century manuscripts is combined with modern emendations in a second apparatus printed below the first. The fifteenth-century manuscripts are all descended from the Fulda MS., the orthography of which the editor religiously preserves, even to the extent of printing such forms as *aduliscens* and *accussator*, which it is highly improbable that Ammian used.

The edition ought to be welcomed with unstinted praise. It is true that one cannot always agree with the editor's conclusions: the present reviewer, for instance, would unhesitatingly read *prohibeat* (p. 31, l. 15), *fantasias* as a regular Latin word (p. 34, l. 13, cf. p. 118, l. 5), *triclini* (p. 42, l. 8), as there is adequate evidence for the single *i* in the genitive as late as Ammian's period, and *possederat* (p. 80, l. 6). But these are trifles, and the balance may be turned in Mr. Clark's favour by the exhaustive treatment he promises in his second volume. His edition is the first based on an exact and comprehensive report of all the existing evidence by a palaeographer of rare knowledge and acuteness; and it is arranged in the rhythmical clauses in which it was written—the only proper way in which to print such a prose text.¹ It is provided with five photographs, (1) a page and a half of the Hersfeld MS., (2 and 3) two pages of the Fulda MS. by different scribes, (4) a page of a manuscript of St. Peter's, Rome, with a beautiful initial, and (5) a page of a Vatican manuscript which is palaeographically interesting. A word of praise is due to the printing, which is agreeable to the eye and is also very accurate.

A. SOUTER.

A History of England to 1066. By C. W. C. OMAN. (London: Methuen, 1910.)

THIS work is the contribution made by Professor Oman himself to the excellent series of which he is the general editor. It invites comparison with the other volumes in that series and with the corresponding volume by Dr. Hodgkin in the *Political History of England*. Of the writers for his series Professor Oman has had far the hardest task, as his is the only volume which lacks a reasonable unity of subject. Further, where evidences are bald and annalistic, often confused and difficult, where details have to be filled in by conjecture, it is impossible to impart to a history that touch of life and reality which makes it a convincing picture of the time. We regret that the author has not included a bibliography and that the index is scarcely sufficient to be of real use.

The principal defect in the present book is common to it and to most of the previous works on the same subject. The author has given little attention to the language and literature of the period with which he deals, though evidence of this kind is just as important in treating of Anglo-Saxon history as is the case in the history of Greece. With regard to orthography, Mr. Oman lays down a principle with which no reasonable person would be inclined to disagree, that of keeping the 'modern and familiar shapes' for a few famous names and for the rest making use of the contemporary

¹ The editor, however, rightly uses modern punctuation to separate the clauses from one another.

spelling. Yet in fact he uses a considerable number of forms which contravene this principle, e.g. Ecgbert (so always), Oswy, Eahlmund, Aella (king of Sussex), Lothere, Aescwin, Bregwine, Hubba. Territorial names very frequently appear in corrupt forms, and the same is true of the Anglo-Saxon words which appear in quotations, e.g. *gecear* on p. 370 n. Practically no use has been made of Anglo-Saxon literature apart from legal and historical documents. There is scarcely a reference even to the early heroic poems, which in their way are as important to the understanding of early English history as the Homeric poems are for that of Greece. Only on one or two occasions does the author refer to the 'song' of Beowulf, in one of which (p. 403) he describes Hygelac as the elder brother of that hero.

In consequence of this attitude towards the native sources of information the author has little to say with regard to the history of the English people in times previous to the invasion. He notes the earliest references to the Angles (pp. 217 f.) given by Tacitus and Ptolemy, but the difficulty raised by the statement of the latter with regard to the respective positions of the Angles and Langobardi is misunderstood. The notices relating to this subject which occur in the native poems are not mentioned. On the other hand, Mr. Oman speaks of 'the pedigrees of the kings of the later states of East Anglia, Bernicia, Deira, and Mercia, which are undoubtedly the oldest surviving fragments of Anglian historical memory'; but he has failed to observe that the earliest form of these pedigrees can only be reconstructed by a comparison of the various lists which have come down to us. It is not justifiable to take the evidence of one of these texts as representing genuine tradition in a point in which it differs from all the other texts, as is done on p. 220. In the following pages the references to the genealogies appear to be taken partly from authorities of the Norman period, while texts which have survived from much earlier times are passed over in silence. The same disregard for the relative value of authorities is shown on pp. 242 ff. with regard to the succession of the Northumbrian kings. Here the author seems to take as a fixed point the accession of Aethelric in 588. The earliest authority for this date is the Saxon Chronicle, while it is totally opposed to the evidence of the chronological table appended to the Moore MS. of Bede's Ecclesiastical History. Moreover, the language used by Bede himself in his Chronicle also seems to exclude the date given for Aelle's death by the Saxon Chronicle. In like manner, whatever may have been the relationship of the prince named Aethelstan mentioned in the Saxon Chronicle, a. 836 (p. 396 n.), to Ecgbert, and whether he was king of East Anglia or not, it is scarcely credible that the Aethelstan mentioned in texts D, E, F is a different person from the Aethelstan of texts A, B, C.

The same faults are found in chapters xvii and xviii, which deal with the very important questions of the social and political organization of the early English kingdoms. It has long been observed that the Kentish laws present a type of social organization which differs in a very striking manner from that of Wessex. On p. 363 Mr. Oman seems to assume that the latter is merely a later development from the former:

Another point of obvious significance in Ine's law is that the gothicund man of the superior class with his 1,200 shilling weregeld is worth six times the ceorl with his

200 shilling valuation. In the Kent of Aethelbert, less than a hundred years before, the eorl had been worth no more than three times the ceorl. The relative estimation of the ordinary freeman to the great landowner has evidently fallen in the interval.

But the evidence that the eorl, or to be more accurate the eorlcund man, was worth three times the ceorl comes not from the laws of Aethelbert but from those of Hlothhere and Eadric, and therefore from a time certainly not more than twenty and probably not more than ten years anterior to the laws of Ine. Again, Mr. Oman lays great stress on the development of 'nobility by service', which he appears to regard as practically revolutionizing the condition of English society in the course of the seventh century. The evidence here is derived mainly from the use of the words *eorl* (*eorlcund*) and *gesith* (*gesithcund*), the former of which he regards as the term for 'hereditary nobleman', the latter for 'a regular member of the king's war-band'. But surely it is yet to be proved that the difference is more than one of mere terminology. Again, Mr. Oman appears to draw no distinction between the expressions *gesith* and *gesithcund man*. On page 371 he speaks of 'his' (i.e. the king's) *gesithcund* men, which is not a form of expression used in the laws. Again, on page 359 he says, 'in one place the member of the royal following is called a *gesithcund* man,' but this rests on the assumption that in the passage in question (Wiltred, § 5) the word *dryhtne* necessarily means the king, which is not the case in the other passages in the same code in which this word is used. On the other hand, on page 375 he apparently accepts the identification of the twelfhynde class with the highest class of the *gesithcund* men. But the twelfhynde status is plainly hereditary. Until evidence is brought to the contrary a presumption plainly lies in favour of believing that the term *gesithcund* (like *eorlcund*) implies a hereditary qualification—as in the phrase *gesithcundes cynnes* in the *Nordleoda lagu*.¹ Incidentally it may be remarked that we fail to appreciate the difficulty which the author seems to find in the co-existence of a hereditary nobility with a highly developed comitatus.

It is in dealing with problems of political and social organization that special linguistic knowledge is necessary more than anywhere else, in order to avoid misunderstanding what may be called semi-technical terms. Thus it is misleading to use the word *witan* as a (collective) singular substantive like *senatus*. For this the authorities give us no warrant, and such usage is apt to lead to the assumption that the *witan* were a more definitely constituted body than we are justified in believing. Again, in dealing with the word *fyrð* we have to remember that the development of meaning was as follows: (1) journey (cf. *faran*), (2) expedition, (3) army; the translation 'levy' can scarcely be justified. Mr. Oman is apparently reluctant to allow that the Anglo-Saxon army was a mounted force. Thus on page 453 he translates the passage from the Saxon Chronicle, a. 877, *Aelfred . . . mid fierde rad*, by 'Alfred . . . rode . . . with such mounted men as he possessed'; yet in other annals, e.g. 894, 896, *sio fierð* (*seo fird*) is used as the subject of *rad* or *forrad*.

Mr. Oman's treatment of the later part of the Anglo-Saxon period

¹ The quotation on pp. 470 f. appears to be a combination of passages derived from the documents known as *Be Leodgedincūm* and *Nordleoda lagu*, but I cannot find the phrase 'was entitled to be *gesithcund*'.

is much more satisfactory. He provides a clear and very readable account of the course of events. In this section he appears to have used most if not the whole of the available English and Latin authorities with considerable skill. This period has in the past received more adequate attention than that of the Heptarchy, but we venture to think that Mr. Oman's treatment of it is a distinct improvement upon that of any of his predecessors. A good deal more use might have been made of the Scandinavian evidence, and we scarcely think that the true significance of Alfred's reign is sufficiently recognized. In general, however, this section is greatly to be commended, and will go far to supply a want much felt by students of early English history. An equally satisfactory account of the Heptarchic period, we fear, still remains a desideratum.

F. G. M. BECK.

The Victoria History of London, including London within the Bars, Westminster, and Southwark. Edited by W. PAGE. Vol. I. (London: Constable, 1910.)

THE Victoria County Histories embody a comprehensive effort to describe fully, systematically, and scientifically the topography, local history, and local antiquities of England, county by county. The method adopted to achieve this colossal task is the collective industry of many workers. Breaking loose from the old ideal of one single-handed, all-sufficing genius—an ideal which has at the best yielded only magnificent fragments—the Victoria History aims at reaching completion with reasonable speed and with reasonable efficiency by co-operation. It is already evident that the scheme is not unpractical. Already more than fifty volumes have appeared, and though no one county has as yet been wholly finished, several seem to be approaching their end, and the whole work, despite various hindrances, is going steadily forward. The quality is admittedly as satisfactory as the quantity. No one man can, indeed, presume to judge of the whole. But I believe it is fair to say that the volumes are not only well-printed and, in general, very well illustrated, but also take rank as the best historical accounts of our English counties, and, at least for all ordinary purposes, supersede the older county histories. Their contents are, no doubt, uneven. Many sections are first rate; others, not perhaps many, are bad. But that is equally true of the older histories which, written each by one man, were necessarily better on some subjects than on others. Moreover, time and experience seem already to be removing this inequality. It is early days to attempt co-operative research in individualistic England. Too many of our workers still dream of making immortal discoveries at their first burst—such discoveries as forty-nine out of every fifty of them will never be capable of achieving. From this point of view the Victoria History is an admirable and interesting experiment, which deserves the attention and sympathy and active help of our best historical scholars.

The volume now before us contains two distinct sections. Pp. 1-170 deal with Roman London and with the Anglo-Saxon remains. The rest

of the volume—more than twice as long as the first section—comprises the ecclesiastical history of the city and its forty-five or more religious houses. Roman London is perhaps the best—or worst—instance of the weaker side of Romano-British archaeology. Nowhere else do we find so fully illustrated that mixture of profound interest and profound ignorance which characterizes so many Romano-British archaeologists. Records of Roman objects discovered in London abound in bewildering and overwhelming plenty. The pages of archaeological journals and other treatises are crammed with them. But only a very small proportion is really worth preservation. The editors and others who have so carefully printed these notices have too often recorded the wrong things. They describe the exhibitors much more carefully than the exhibits: they tell us regularly who brought the objects before their societies and omit to state where they were found, or what they were, or what was found with them—and so forth. If we take, for instance, the records of mosaic floors, baths, and similar structures, such remains have been found in the appropriate parts of London in shoals; most have been noted in print, many have been planned, a few mosaics have even been taken up and re-erected in museums. Yet we do not know for sure the plan of a single Roman house or the line of any street in Londinium. At Trier, where men have dwelt no less continuously—perhaps even more continuously—than in Roman London, the ingenious researches of German archaeologists have recovered for us, at no great cost of money, the whole street-plan of the former Augusta Treverorum. Nothing of the sort has been done in London. The patriotism of London has rarely troubled itself about anything save the present or the future.

It is this chaos of multitudinous and ill-recorded facts that the contributors to the volume before me have had to handle. That they have succeeded in their formidable task cannot be asserted without qualification. They have not, indeed, attempted a complete success. Very wisely, they do not profess to give a history of Roman London or to estimate its importance and the value of its trade and civilization. The reader who expects finished historical conclusions which he can adopt straight off, as being the best possible at the present time, must not seek them here. But they have made a real effort to sort and sift the vast material, and they have certainly beaten out no small part of the path which future inquirers must follow. Their work falls into three sections. Mr. R. A. Smith (pp. 1–43) classifies and enumerates the burials found in and round Roman London, and evolves, partly on their evidence, a theory of the roads which approached the city from without. Mr. F. W. Reader gives a detailed and minute account of the nature and course of the Roman city wall and of all the various fragments of it which survive. Mr. H. B. Walters and Miss C. M. Calthrop embody in a topographical index a vast number of detailed records of Roman finds, arranged by streets in alphabetical order. Obviously, this laborious collection of material will have very real value for future workers, and if it is here presented to us with some intermingled errors, if—for example—inscriptions are misinterpreted several times, this may vex those who expected an accurate and finished picture, but will be pardoned by any one who understands the chaotic

material before all the four contributors. It is proper to add that the illustrations are both numerous and well chosen and well produced, and are reinforced by several useful and interesting plans.

So far as there is a theory of Roman London in these pages, it is this: that the place in early Roman days was quite unimportant, and that in consequence the first Roman roads were taken past but not through it; then it developed and the roads were deflected to traverse it, and finally walls were built around it. This, in the rough, is Mr. Smith's theory, and he has since set it forth in a paper read last December to the Society of Arts, of which he has very kindly sent me a copy. I regret that I cannot accept this theory. It appears to me, in the first place, to lack proof. The evidence for the roads which avoid London rests largely on burials, but the three roads principally concerned are only 'proved' by three burials each, and three burials are wholly insufficient to prove a road. Indeed, as the people of Londinium buried their dead in cemeteries, like most townfolk, and not solely and wholly by roadsides, burials are not conclusive evidence of the precise direction of the roads outside Londinium. Mr. Smith's own very interesting map of the burials (Plan A) shows a large number which are nowhere near any roads. In the second place, this theory seems to me to conflict with obvious probabilities. It is no doubt possible that Londinium hardly existed in A.D. 43 when the Claudian conquest began and when the road-making doubtless also began. The town may have sprung to full growth in the fifteen years which passed before Boudicca's rising. But it is hardly credible that it sprang up away from existing roads. Towns often spring up beside roads: some reason is needed to explain why the rapidly growing Londinium carefully avoided contact with any of the roads laid out ten or twelve years before, and equally carefully refrained from using the bridge across the Thames which must have been built for one of them. Moreover, the route chosen for that particular road, close to the present Westminster Bridge, crosses ground which in Roman times must have been partly marsh. It appears to me much more reasonable to suppose—for on any theory we get no further than supposition—that the first Roman roads to and from London reached the Thames at a point practically identical with the later Romano-British city, and that that city, whether large or small or non-existent in pre-Roman days, developed round the bridge and road-ends which were a principal cause of its rise and prosperity.

The Romano-British chapters are followed by a short section on Anglo-Saxon remains. I am not competent to criticize this, beyond attesting the excellence of its illustrations. But in this Review it may be proper to say that the article is strictly what its title suggests, an archaeological account of remains; it makes no attempt at an historical sketch of Anglo-Saxon London.

I may conclude by a demurrer to the use of 'Gaulish', to describe Samian pottery, in the Romano-British chapters. The epithet may be used to describe pottery which we know to have been made in Gaul—although, as our knowledge that a pot is Gaulish usually comes from a previous knowledge that it was made at (say) Lezoux or La Graufesenque, the term 'Gaulish' is seldom really needed. But when, as in this volume,

it is used for Samian generally, it is merely misleading. For instance, one reads twice on p. 108 that such and such a site has yielded Gaulish pottery, of which one piece is German. In such a case the term 'Gaulish' ceases to have any proper meaning. After all, 'Samian' is quite a good and simple term : *μὴ κίεει Καμάριναν*. F. HAVERFIELD.

The ecclesiastical half of this volume is a very satisfactory piece of work, mainly by seven ladies, though Dr. J. C. Cox and others have taken some part. The number of misprints is small, and the best literature has been used, though Liebermann's *Gesetze der Angelsachsen* should have been cited instead of Thorpe, and there are some other instances of the citation of obsolete books, as when the Chronicle is quoted from the edition in the Rolls Series.

The general history of the church in London is full and interesting, but it is a serious omission that an account of the diocese as a whole is not given. It ought to appear somewhere in the Victoria History, and no other place can be as suitable as the present volume, which deals with London, Westminster, and Southwark. But the religious life of London is fully and picturesquely described, with well-chosen instances from a wide range of reading. Especially the evidence for the growth of the parochial system from the muniments of St. Paul's is well stated; but we could wish that the London peculiars were more fully specified, and the nature and extent of those jurisdictions. The later periods also are well treated, the Reformation proceedings being fully chronicled. The Commonwealth troubles are duly described, with ample citations from such sources as parish registers; but Dr. Shaw's important *History of the Church from 1640 to 1660* seems to have been overlooked. In the eighteenth century dissent has more space than the church, though its history was equally one of decay; but dissent before the Restoration deserved more attention than it receives. The later story is adequately treated, with a supply of useful statistics. The narrative is duly dispassionate, though sometimes personal preferences enliven it without detriment to accuracy.

The account of the religious foundations is the most valuable part of the work. St. Paul's, its constitution, and its estates are admirably treated, though the architecture might be a little more clearly described, and we ought to have been told when election to the deanery passed to the crown. At St. Paul's the modern organization, down to the status of the vergers, is fully given; at Westminster the story practically ceases with Atterbury, for whom the Stratford Papers are duly cited. Not a word is said as to the modern constitution of the abbey or the special rights of the dean, a topic which Atterbury might naturally have suggested and which has not lost its interest. Nor are the Westminster estates as fully detailed as is desirable. The treasurer's revenues, we are only told, came from 'some twenty-four demesne manors'. The Domesday list of estates is not given, nor any other except that of the Valor Ecclesiasticus. There is nothing to tell us that Westminster had owned Hampstead in Middlesex, or by a later title the manor of Belsize within Hampstead. Nor do we learn what peculiars the abbey held; there is some reason to think that Hampstead was a peculiar. The account of the other religious houses is for

the most part uniform and adequate; it is exceptional that Dr. Cox has omitted to give a list of the estates surrendered by the canons of Southwark. Perhaps the best is the account of St. Bartholomew's Hospital. Of many of the minor establishments only fragmentary records have survived, but the most is made of them, and there are clear descriptions and photographs of a number of seals. The quite considerable estates held by the different orders of friars, especially the Grey Friars and the Minoreesses, is an interesting point. Unfortunately no account is given of the history and constitution of the Temple and the Savoy in their present state. The former surely deserved attention, if not the latter; and the list of recent masters of St. Katharine's Hospital might easily have been made perfect. But in spite of some omissions, the worst of which is that of the parish boundaries in the maps of London at various periods, the work excites our admiration and gratitude.

E. W. WATSON.

Die Germanen im Römischen Reich; Theoderich der Grosse. Von GEORG PFEILSCHIFTER. (Mainz: Kirchheim, 1910.)

THIS book forms one of the series 'Weltgeschichte in Charakterbildern', in which history is related in popular form round a central figure, though it is explained that the volumes are not biographies, but histories; and for this purpose few characters are better suited than Theodoric, who may be said to sum up in his person the story of the Ostrogothic nation. The book opens with a description of some imaginary games in the circus at Constantinople, at which the young Theodoric, then a hostage in the emperor's hands, may be supposed to have been present, followed by a sketch of the earlier history of the Goths and the life of Theodoric down to the conquest of Italy. We then have the central portion of the volume, the full account of Theodoric's civil, ecclesiastical, and foreign policy, of his buildings, and of the state of art and literature in his time. After the narrative of his later years and death the author refers to his place in legend; the story of the fall of the kingdom is followed by an account of the fortunes of the conquered Goths and of the literary labours of Cassiodorus; and the volume ends with a short summary of Italian history down to 751. A special feature is the fine illustrations, of which there are ninety-eight.

The earlier history down to 493 seems to be mainly based upon Schmidt's *Geschichte der deutschen Stämme*, and is narrated very shortly, indeed accuracy is sometimes sacrificed to brevity, as when we are told that Theodoric received a triumph and a statue for suppressing a revolt (p. 27), by which only that of Illus can be meant, whereas Theodoric was in fact recalled before reaching the scene of action. The best portion of the book is the attractive, and on the whole sound and faithful, description of Theodoric's rule in Italy. It is, of course, difficult in a book of this kind to avoid some exaggeration in dealing with the exploits of the hero, and the author sometimes seems to forget his own admission (p. 35) that the Romano-Germanic kingdom was the creation of Odovacar. The chief merit of Theodoric, therefore, besides his foreign policy, which was all his own, consists in the fact that after the lawless roving life which he had led he was able to take his predecessor's place as the ruler of a settled kingdom;

and in using the testimony of Procopius we must remember that, as an enemy of Justinian, he was interested in extolling the Gothic rule. On the other hand, Professor Pfeilschifter is surely right in rejecting the opinion of those who belittle Theodoric in comparison with Chlodovech, because he left nothing lasting behind him ; to which he gives the obvious answer that Chlodovech had the choice between Catholicism and Arianism, while Theodoric found his people Arians, and that the Franks had their native seats behind them to draw upon, while the Goths were an isolated body of emigrants (p. 38). Unfortunately he has a practice, of which this passage is a conspicuous example, of giving extracts from other writers without saying whence they are taken, so that, except by reading through all the literature of the subject, one has no means of knowing against whom this polemic is directed. As there are notes at the end, the omission seems quite unnecessary.

A few points need correction. Theodoric, son of Triarius, was not Aspar's son-in-law (p. 7), but his wife's nephew. When the author speaks of the Visigothic king Theodoric I as Alaric's grandson (p. 24), he must be thinking of Theodoric II, whom Sidonius, perhaps by a poetic licence, so describes. Much more serious is it that Amalaswintha is made to marry Theodahad (p. 111). Surely every reader of the letters of Cassiodorus knows that Theodahad had a wife, Gudeliva, and that the partnership between the cousins was in the kingdom only : indeed, the existence of Theodahad's wife probably had no small share in bringing about Amalaswintha's overthrow. The Amal origin of Eutharic is generally recognized to be an invention of Cassiodorus, and should not have been stated as a fact (p. 58). The book would have been more useful if it contained an index ; but it is, of course, the editors of the series, not the author, who are responsible for this omission.

E. W. BROOKS.

KARL VON AMIRA. *Der Stab in der germanischen Rechtssymbolik.* (Abhandlungen der Königlich Bayerischen Akademie der Wissenschaften, Philosophisch-philologische und historische Klasse, XXV, 1. München, 1909.)

THIS is a fascinating investigation by a great master of legal lore. Professor K. von Amira is not content to study comparative jurisprudence in legal enactments and in notices of legal customs. He very rightly turns from these to the evidence of ceremonial acts and pictures. The symbolical meaning of implements and gestures supplemented, on many occasions, utterances by word of mouth. The materials collected from all parts of Europe as to the use of the staff for the purpose of denoting the status of a person or marking a juridical act are suggestive in many respects. Although some of the instances adduced have often been discussed before, it is by collecting them and observing each in the reflected light thrown by other cases that the author is able to trace the probable meaning of many an obscure custom. He starts from the characteristics of the white staff of the wanderer, and proceeds to describe the verge of the messenger, the bâton of commanders, the wand of the judge, the sceptre of the king, the symbolical stick of the person executing a donation or a transfer, &c.

It is almost superfluous to increase the great store of illustrations collected by Professor von Amira, but I should like to remind him of one or two English customs, which go well with his materials. With the instances of bailiffs supervising the tasks of workmen may be compared the Stoneleigh custom of requiring *Soemen* to ride out on boondays with sticks in order to watch over the rural work of servile tenants. The practices of surrender and admittance in English copyhold centre round a use of the *festuca* which certainly reminds us of the use of the *affatoma* of Frankish law (p. 145, cf. *Villainage in England*, p. 373). The view that the ancient *sigillum* was not necessarily a seal, but a personal object, symbolizing the transference of authority through a messenger (p. 101), may be supported by frequent references in Domesday Book to rings used for the purpose of investiture.

One doubt is likely to arise in the mind of an attentive reader of this interesting monograph. Why should the instances of the use of the staff or stick in legal ceremonies be reduced to the development of one main practice—namely, of the wanderer's staff? Surely a bough or stick is naturally used to perform different services, and ceremonial usages may spring from any one of them. The stick is there not only to lean upon, but also to strike, to beckon, &c. Why should the marshal's bâton necessarily be derived from a messenger's staff and not be taken as a symbol of authority? After all Professor von Amira does not find it possible to go back to the equipment of a wanderer in the case of the *festuca* of the *vindex* and of the *vitis* of a *centurio*. Even so, the wand often appears as a slight reed or bough, which is evidently intended not to serve as a support but to perform magic. The golden bough, of which Mr. Frazer has made so much, is not primarily the implement of a weary wanderer. Doubts of this kind are, however, inseparable from the nature of the inquiry itself: it cannot be pressed into the shape of a rigid demonstration. Let us be grateful to Professor von Amira for the wealth of information which he has supplied.

P. VINOGRADOFF.

Vitae Sanctorum Hiberniae. Recognovit prolegomenis notis indicibus instruxit C. PLUMMER. 2 vols. (Oxford: Clarendon Press, 1910.)

JOHN COLGAN was a Franciscan from Culdaff in Inishowen, and his lives of Irish saints are contained in two volumes published at Louvain in 1645 and 1647. Patrick Fleming from Louth, another Franciscan, wrote the *Collectanea Sacra*, published at Louvain in 1677. Growths of Irish hagiology may also be collected here and there in the vast forest of volumes of the Bollandists. Mr. Plummer's object is to make accessible to students of Irish ecclesiastical history certain materials contained in these books or in manuscripts not printed before. He gives only Latin compositions in these volumes, but promises to deal in future with several of the Irish lives. The lives he has now printed come from four manuscripts, two of which are in Dublin and two in the Bodleian, while a similar manuscript, printed in 1888 at the expense of the late Lord Bute, is used for comparison. The introduction begins with an account of these manuscripts. Mr. Plummer censures the edition of the *Codex Salmaticensis*, as Lord Bute's manuscript is called, and his criticism suggests a correction as

to the scribes who wrote the manuscript. If the note as to brother John Mac Tighearnain 'de Ergallia', who asks as a scribe for a prayer, is incorrectly printed, as Mr. Plummer states after a personal examination of the codex, it seems probable that there is another error in the printing of the entry of brother Dermot, who also asks for a prayer, and that his phrase 'anima Dermicii I Dhunchadha' is formed on the same plan as brother John Mac Tighearnain's, and should be read in full: 'anima Dermicii o Theaghlach Dhunchadha,' and rendered 'Dermot from Tullyhunco' and not 'Dermot O'Donohoe'. Teaghlach Dhunchadha (the family or hearth of Donogh) was the tribe name of the Mac Tighernains, and is preserved in the name of the barony of Tullyhunco in Cavan.

The two Dublin manuscripts are copied from the same original. Reeves was of opinion that the Codex Kilkeniensis, mentioned as one of his sources by Colgan, was not one of these, but nevertheless had some relationship to them and came like them from a Franciscan house. Mr. Plummer maintains that the Dublin manuscript which is in Primate Marsh's library is that used by Colgan. Reeves, by a conclusive argument drawn from a correction in Primate Marsh's manuscript, proved that it was the one used by Fleming in his *Collectanea Sacra*, and by him called Codex Ardmachanus. The evidence is not complete as to the non-existence of a third manuscript which may be the true Codex Kilkeniensis. Mr. Plummer says:

I cannot discover in the MS. itself any ground for either of the names given to it by Colgan and Fleming respectively. The former has been more commonly adopted. Reeves thought the latter more appropriate, though he does not give any reason for his opinion.

The reasons are perhaps discoverable outside the manuscript. Fleming lived near enough to the time of dispersion of many of the Armagh books to have heard about the original place of the manuscript, and so spoke of it as 'Ardmachanus'. Reeves was deeply attached to Armagh, and mentioned with admiration the verses in its praise of perhaps the only English poet who has written in Irish:

Ro dheat in ardmacha mas
Ceannsacht eagna aireachas,
Aineach aobhdha re mac Dè
Saithe saordha sonaidthe.

I found in Armagh the splendid;
Meekness, wisdom, prudence,
Fasting in obedience to the Son of God,
Noble prosperous men of learning.

The verses require revision, but they express Reeves' constant feeling for Armagh as an ancient seat of learning. He loved truth, but was not a man to allow any literary glory to be taken on uncertain grounds from Armagh. Lastly, there were many communications between the Franciscan convent of Kilkenny and those of Louvain and of St. Isidore in Rome. The confederation of Kilkenny was meeting in Colgan's time, and its arms are carved upon the case which contains the bones of his great contemporary, Luke Wadding. All Mr. Plummer says on the history of his original manuscripts is interesting, mixed up as these are with the actions of the

times, with the relation between the Irish literary clans and the religious orders, and with the union of their religious zeal and their patriotism. Like every one who has studied Colgan and Fleming, he is touched by their pure devotion to learning amid the horrors of war and the privations of exile.

The date of one of the Oxford manuscripts is placed by Mr. Madan in the first half of the thirteenth century, and of the other in the first half of the fourteenth. Nearly all the lives contain older materials, and some of them enclose fragments of very ancient literature and even pieces of actual history. The manuscripts having been thoroughly discussed, the sources of the separate lives are considered and then their character and composition. An elaborate summary of their contents follows, which is in fact a general view of Irish society and institutions in the early middle ages. This is succeeded by a chapter of nearly sixty pages on the heathen folk-lore and mythology to be dissected out of these lives of Celtic saints. Thirty-two lives are printed with footnotes, chiefly textual. At the end of the second volume are an index of places and one of persons, a Latin glossary, and an explanation of ninety-two Irish words, and three pages of addenda and corrigenda. Each life has many passages worthy of remark, and besides those dwelt upon in the prolegomena many others might be accompanied by commentary or illustration, so rich is the ore which Mr. Plummer has digged from the hagiological mine. The relation of these compositions and of particular parts of them to Irish literary forms is scarcely entered upon, and may probably be reserved for the notes on the promised lives in Irish. Thus in the first life, that of St. Abban, there is a good instance of the repartee of which Irish literature has so many examples. The mother of the nascent saint addresses four lines to her brother, Bishop Ibar, asking aid, and he replies in four more which promise that her son shall be a wonderful abbot. Much point is not thought necessary in such antiphonary conversation, but metrical propriety is essential.

The passages relating to disease are of great interest. Some of them require fuller consideration before Mr. Plummer's conclusions can be accepted. The sentences and words he mentions are altogether insufficient to show the existence in such remote times in Ireland of that disorder of which Fracastorius says :

in Latium vero per tristia bella
Gallorum irrupit, nomenque a gente recepit.

That the 'plague of the seventh century was probably malignant typhus' is a statement unsupported by evidence. The study of its progress and all that can be learned of it point to its having been the true plague, the disease associated in our day with Kitasato's bacillus. If the life of St. Ruadan had been annotated, the notes should have pointed out that when the facts are put together it seems clear that the abandonment of Tara was due to the terrible mortality there of the pandemic of plague. The Buidh Chonaill of A.D. 663 was certainly the same epidemic disease as that in England, of which the king of Kent and the archbishop of Canterbury died on 14 July 664.

In the life of St. Moling is a passage:

Eodem tempore dormiens quidam homo foris intrauit quoddam paruum nigrum et uenenatum multum quod Scoti *dál* uocant, Latini autem *scorpio*, in aurem illius.

The word *dael* is explained in the glossary as 'a chafer, beetle'. It is a generic term, and in St. Moling's life the word *scorpio* indicates that the staphylinus which turns up its tail like a scorpion is meant. The Irish to this day try to stamp upon it before it depresses its tail, saying the words 'Peaccaidhe mo sheachtmhaine ort' (the sins of my week upon thee), an interesting phrase which does not happen to occur in any of these lives.

The lives of St. Mura of Fahan, of St. Cilian, of St. Ultan, and many other interesting saints remain to be discovered or to be printed. Mr. Plummer deserves the thanks of all students of Irish history and literature for the fine series of lives which he has put within their easy reach, while the learning and precision which he displays in these well-printed volumes must excite every one who reads them to hope for the many volumes more which he promises in his preface.

NORMAN MOORE.

Histoire du Comté du Maine pendant le X^e et le XI^e Siècle. Par ROBERT LATOUCHE. (Paris : Champion, 1910.)

Catalogue des Actes des Evêques du Mans jusqu'à la Fin du XIII^e Siècle. Avec une Introduction par LÉONCE CÉLIER. (Paris : Champion, 1910.)

It is a happy chance that two works on the history of Maine should appear almost simultaneously; they help towards filling a considerable gap in the history of medieval France. M. Latouche has taken on himself the labour of collecting, chiefly from printed sources, the history of the county before the year 1110, when it was definitely united to Anjou. His conclusions are stated in eleven essays, of which six are devoted to the political history of Maine, the remainder to institutions, the city and the see of Le Mans, the sources, and so forth. Some special questions are discussed in appendices; there is a catalogue of the charters of the counts, seventy-four in number, and also a collection of nine *pièces justificatives*, of which three have not previously been published.

The most solid part of the book is an examination of the chronology and genealogy of the early counts. He produces reasons for thinking that the permanent establishment of the count's office dates from the closing years of the ninth century, and establishes the following list of counts: Roger (between 895 and 900), Hugh I († before 955), Hugh II († before 992), Hugh III († 1014 or 1015), Herbert Wake-the-Dog († between 1032 and 1035), Hugh IV († 1051). Earlier writers have interpolated in the list a count named David, whose son they supposed Hugh to be; but David appears to be a mythical personage. Hugh III, on the other hand, is the discovery of M. Latouche. The history of the disputed succession which followed the death of Herbert II (1062) is cleared up by the genealogical table, correcting the mistakes of Orderic Vitalis, which M. Latouche gives in his third appendix. The claimants who successively opposed Robert Courthose were Count Walter III of the Vexin, husband of Biota,

and the Marquis Azzo, husband of Gersent. These ladies, according to Orderic, were daughters of Count Hugh IV of Maine; the fact is that they were his sisters, and daughters of Herbert Wake-the-Dog. M. Latouche further succeeds in establishing relatively exact dates for the events of the years 1062-1110.

The chapter on the feudalism and castles of Maine, though not involving researches so laborious, is a useful contribution to the history of institutions. M. Latouche proposes to himself the question, When and how was the process of subinfeudation effected? He answers this question by investigating the history of the castles of the province. The earliest castles of Maine appear to date from the close of the tenth and beginning of the eleventh century; upwards of forty had come into existence by the year 1100. The more important of these are associated with great families; Sablé, Mayenne, Laval, Saint-Calais, Château du Loir may be cited as examples. The representatives of these families appear as *fideles* of the count before the year 1050. The castle is built by the count or with his authorization; but it soon becomes a hereditary possession and the nucleus of a fief. Already in the eleventh century large parts of these fiefs are subinfeudated to *militēs casati*, who owe to their seigneur castle-ward and military service. All that is needed to complete the picture is an account of the relations which existed between the feudal classes and the tillers of the soil. This M. Latouche does not supply, though we should have imagined that much valuable information on the subject could be collected from the cartularies which he has used for other purposes. He has given (p. 93) a useful catalogue of the trades and crafts which were plied in Le Mans about the year 1100. It suggests that the city was economically nothing more than a market-town, with some skilled trades dependent on the custom of the cathedral.

The work of M. Léonce Celier is prefaced by some valuable observations on the diplomatic of the episcopal *acta*. As he remarks, the rules of episcopal chanceries have not been scientifically investigated, and this subject can only be elucidated by a series of special studies devoted to particular dioceses. So far as regards Le Mans, the stages of evolution which present themselves are three in number. In the tenth and eleventh centuries the formal privilege is a diploma, and is frequently composed by the interested parties, although an episcopal chancellor is mentioned as early as 1038. In the twelfth century the diploma is ousted by the ordinary charter; this is normally composed by a member of the episcopal chancery, takes the form of a notification, is rarely dated but regularly sealed, and enumerates witnesses who do not, however, subscribe. Towards the close of the twelfth century the dispositive form becomes more and more common, witnesses are no longer mentioned, and the charter is dated by the year of the incarnation; these tendencies triumph completely in the thirteenth century.

The catalogue itself notices 762 documents, of which more than half are posterior to the year 1200. Few are of general interest, though the collection will be valuable to historians of the diocese and county. M. Celier has compiled some useful lists of ecclesiastical dignitaries, with references

to the documents in which their names appear. These are prefixed to the acts of Bishops Guy (1126-36), Hugh (1136-44), William (1145-87), and Hamelin (1190-1214). There is also an appendix containing eight unpublished charters.

The following documents may serve as illustrations of the historical material afforded by the catalogue. No. 320, dated July 1203, is issued *regnante in Galliis feliciter Philippo illustri rege Francorum*; such additions to the dating clause are unusual in the chancery of Bishop Hamelin, and we are justified in concluding from the phrase that he welcomed the successes of Philip Augustus in Normandy. There is no record of any transactions between this bishop and the victorious French monarchy. Not until the year 1223 do we find the relations of bishop and king defined. In that year Bishop Maurice (no. 472) does homage to Louis VIII according to the same form as the other bishops of France. The king on his side recognizes that the bishop is not bound to render military service, either in person or by deputy; and promises that, if the county of Maine is separated in future from the crown, the bishop shall not be expected to take a new oath to the count. No. 381, dated 1213, confirms a grant which was made by Juhel de Mayenne when on the point of starting for England with the king of France. The editor might well have indicated that this grant must be posterior to the council of Soissons (April) in which it was decided to invade England; and the compiler of his index has wrongly identified this Juhel with an ancestor of the same name who is named in a charter of 1120 (no. 42). Several documents throw curious side-lights on the administration of a medieval diocese. No. 655 is a remarkable award in a dispute of the year 1250, between the monks of Bellebranche and those of La Roë. Both parties claimed the corpse of one Maurice de Craon, and it had been actually buried at Bellebranche. The award is that the corpse shall be disinterred at the end of a year; when the heart, if still entire, shall be sent to La Roë, or, failing the heart, the head or so much of it as remains (no. 655). Another sentence (no. 756) issued by Bishop Geoffrey (1231-77) is aimed against two knights who had tried a clerk accused of theft and had punished him with mutilation. Each is required to pay the victim an annual pension, to make an annual gift of wax to the church of Le Mans (to which the jurisdiction properly belonged), to go bare-footed in his shirt from La Couture to the cathedral, and to obtain absolution from the pope. In 1225 the bishop authorizes the monks of Évron to remove their cemetery to a new site, because it is not decent that a cemetery should be on ground used for a market-place (no. 495). Occasionally we find evidence of the difficulty which the bishops found in controlling religious establishments, even when nominally subject to their jurisdiction. Bishop Hildebert hands over (1104-24) to Marmoutier the abbey of Saint-Georges-du-Bois, because it has been abandoned by the person who styles himself abbot, and there is no other hope of restoring discipline (no. 44). In 1147 Bishop William sanctions the affiliation to Marmoutier of the religious of Fontaine-Géhard, whom he describes in no flattering terms: *quidam homines . . . victum sibi labore manuum suarum et de pecudibus suis adquirentes, more pecudum passim vagantes, absque regula et patrum traditione, iuxta arbitrii sui voluntatem,*

nomine tantum heremitæ (no. 84 ; appendix, p. 351). These hermits, however, managed to evade the effects of their submission, and returned to the old way of life. It was not until 1203 that they were induced, by the joint action of Bishop Hamelin and their lay-patron, to make a more effective surrender, under which they were incorporated in a priory dependent on Marmoutier (nos. 320-2).

M. Celier does not explain the relation of this work to the series of articles under the same title which he has been publishing in the *Revue Historique et Archéologique du Maine*. Comparison shows that the introduction to the catalogue, and the catalogue itself as far as no. 562, are merely reprinted from the *Revue*. But the remainder of the catalogue (nos. 563-762), the appendix, and the index did not appear in the *Revue*.

H. W. C. DAVIS.

Mélanges sur l'Ordre de S. Jean de Jérusalem. Par J. DELAVILLE LE ROULX.
(Paris : Picard, 1910.)

IN his two principal works on the Hospitallers of St. John, namely, the *Cartulaire général de l'Ordre*¹ and *Les Hospitaliers en Terre Sainte et à Chypre*,² M. Delaville le Roulx confined his records and his historical sketch of the Order to the first period of its existence, from 1100 to 1310. But, like the wise gardener who digs well and tends his garden all around to ensure the full growth of his central tree, he has for many years been making special studies of various separate episodes concerning the development of the Order internally, officially, or in relation to the outer world. These shorter papers, which have hitherto lain scattered in numerous antiquarian and historical publications, chiefly periodicals, have now been collected by their author into the volume of *Mélanges* before us, and form together a body of supplementary and detailed information which the careful student of the history of the great Order cannot afford to neglect. Eighteen dissertations published in the course of thirty years, 1879 to 1909, are here brought together ; the last three, all of 1909, evidence the author's continued interest in perfecting the work finished in 1906. A final article of 'Corrections et Additions' brings the results of recent research to bear on points which have hitherto been doubtful ; in reading each of the earlier dissertations the hand should be kept on this article for reference to many notes correcting dates, identifications, &c., or in some instances giving important additions to the text.

The longest article, and one of the most interesting, is no. xiv (1895), upon the *Inventaire des Chartes de Syrie*, written by Jean Raybaud, archivist to the grand prior of St. Gilles, at Arles, some time between 1730 and 1742. Two bags full of documents relating to the early history of the Order in Palestine, the principal part of which were about 300 charters of their possessions in the Holy Land, forming an important portion of the original muniments of the Order brought to Malta in the sixteenth century, had been taken to Arles, for what purpose is not known ; but while they were in his priory the archivist of St. Gilles made an analytical inventory of 378 documents. In 1742 the grand master demanded the return of these

¹ Paris, 1894-1906, 5 vols.

² Paris, 1904.

ancient charters to the central archives in Malta, but the 300 are not there now with their fellow charters and have entirely disappeared. Raybaud's inventory, therefore, in spite of certain imperfections, is of great importance for the historian of the crusades, and M. Delaville le Roulx fortunately discovered it in time to embody the notes of the vanished deeds in his *Cartulaire général des Hospitaliers*, thereby much enriching it. The dates of the pieces noted by Raybaud range from A.D. 1107 to 1287. The editor prints the whole text of the *Inventaire*, with a few corrections, and in the case of the small number of documents which still exist, gives references showing where they are to be found and where they have been published.

No. iii (1881) had previously given the texts of three grants of land to the hospital in the twelfth century; two in France (found in the archives of Toulouse); the third made in 1173 at Jerusalem by the grand master, who granted the monastery of St. George at Gibelin to the archbishop of Gaza and Eleutheropolis for life. An unusual feature in this document is the presence of signatures by the witnesses in Greek as well as Latin, to illustrate which a facsimile of the document is provided.

The seals of the Order, in spite of the decay caused by warm climates and frequent removal, find illuminating treatment in three articles; no. iv (1881) contains an extract from statutes of the Order drawn up in the fourteenth century (the manuscript is in the Bibliothèque Nationale), which declares the designs of the seals or bulls, and in some cases the material to be used in sealing, to be employed by the great officers, priors, and commanders. 'Premierement le maistre bulle de ii bulles, i de plomb, autre de cire. . . . Le grant comandor d'Espagne bulle d'une bulle avec i aigle de cire vert,' and so on; black, red, and green wax are indicated, lead being reserved for the grand master's seal to the most important acts of the convent. On this text the author gives detailed historical commentaries, especially devoted to the production of a careful list of the known seals of the grand masters preserved at Malta or in S. Pauli's Codice Diplomatico. This article was supplemented in 1896 by another (no. xv), describing seals met with in the archives of Spain and Portugal of the chief officers in the *lanques* of Aragon and Castille, which were wanting in the sigillographic collection at Malta. In article viii (1887) we are taken to the archives at Malta for a most interesting selection from the seals to two classes of deeds, lay and ecclesiastical. Here we see the leaden seals of the kings of Jerusalem, of the princes of Antioch, of Raymond, count of Tripoli, and of Granier I, lord of Cesarea, in the twelfth century; those of the churchmen, either lead or wax, include two patriarchs of Jerusalem, archbishops of Cesarea, Apamea, and Nicosia, a bishop of Hebron, and an abbot of St. Mary the Latin, the earliest abbey possessed by the Latins in the Holy Land. The notes on seals are completed by nos. v and vii (1882 and 1887), in which those of eight early priors of the English *langue* are catalogued and described from ten charters in the British Museum, and supplemented by facts as to two of the priors found later in Normandy and Vienna. All these five papers are well illustrated with fine plates or engravings in the text.

The statutes or rules by which the Hospitallers were governed, a study of which is essential for a knowledge of their internal life, receive

historical and critical treatment in no. ix (1887). Promulgated in the middle of the twelfth century, in nineteen chapters, modified and added to at various times as needs and customs arose, it is not surprising that some of the later manuscripts should also contain a treatise on the *Esgarts*, amounting to a penal code; the *Miracles*, a fabulous story of the origin of the Hospital; and a dissertation by William de St. Stefano, *Exordium Hospitalis*, which courageously set forth the true history of the hospital. To his study of these M. Delaville le Roulx adds valuable bibliographies of all manuscripts and printed copies known. In passing it should be remarked that the reference quoted for the two Latin manuscripts of the statutes, viz. Middlehill, is now quite out of date, besides being inadequate. Sir Thomas Phillipps' library, which is intended, was removed many years ago from Middle Hill, Worcestershire, to Cheltenham.

Concerning some of the great branches of the Order are the following: No. xi (1892), in spite of the loss of the most ancient Italian records, attempts an annotated list of the priors of Rome from 1235-1568, to which later research has enabled many more names to be added (in no. xix). No. xiii (1894) deals with the foundation of the grand priory of France, which arose out of the division of the vast province consisting of France, Belgium, and a large part of Spain, administered in early years on behalf of the grand master in Palestine by the prior of St. Gilles in Provence. The lands in Spain were placed under a châtelain of Amposta between 1150 and 1160; the grand priory of France comprised the possessions of the Order in the country of the 'langue d'oïl', in 1178-9. Of other articles, no. xii (1894) describes the interesting part taken by women: 'the creation of Sœurs Hospitalières was parallel to that of Hospitallers'; a hospital for poor women was early founded by ladies in Jerusalem, but after the conquest of the city by Saladin they fled to Sigena in Aragon; and the houses of the 'Dames Maltaises' were found in many countries, one of the most ancient being that of Buckland in England, founded about 1180. No. x (1889), which deals with the history of the ancient Teutonic Order and its relation to the Order of St. John, points out that as early as 1128 there was a German hospice in Jerusalem 'due to the piety of a German pilgrim and his wife', which became the cradle of the Teutonic Order. The texts of two bulls of Celestine II, and one of Gregory IX, from the archives of Marseilles, are printed in support of the author's conclusions.

Leaving aside a few other subjects, the last three articles published in 1909 may be noted. No. xvi gives account of a bull of Urban V convoking an assembly of the Hospitallers at Carpentras (Vaucluse) in 1365, to consider the means of the defence of Rhodes against the Saracens; whether the assembly was really held seems to be unknown, but M. Delaville le Roulx appends a valuable detailed commentary on the names of sixty-two personages of the Order in different countries, to whom the bull was addressed. No. xvii relates the adventures and misdeeds of two knights of St. John of Jerusalem towards the end of the fourteenth century, Guillaume and Aymar Talebart; especially of Aymar, who, rebellious and litigious, was constantly in debt, and whose death was as uncertain as his life was troubled. No. xviii is a study of the Christian occupation of Smyrna, 1344-1402, borrowed from a forthcoming work on the Hospitallers

at Rhodes. The victory of Tamerlain over the Hospitallers in 1402 lost Smyrna for the Christians, the last post held by them on the coast of Asia. 'It was the ruin of the hopes, entertained during sixty years, of one day regaining on the Asiatic continent a footing against the Mussulman.'

A full and excellent index adds to the value of this interesting collection, profitable to the student of the crusades as well as of the knights of St. John.

L. TOULMIN SMITH.

Der Bürgerstand in Strassburg bis zur Mitte des XIII. Jahrhunderts. Von Dr. KARL ACHTNICH. (*Leipziger Historische Abhandlungen*, xix. Leipzig: Quelle & Meyer, 1910.)

THIS study is of more than local importance, and rises well above the level of the ordinary thesis. It is based, in the main, upon a careful comparison of the earliest *Stadtrecht* with its successors, and analyses the growth of a distinct burghal community in Strassburg prior to the conflict of 1262 between the bishop and the citizens. There was no corporate body of citizens before the thirteenth century. The words *cives* and *burgenses* only came into use in the twelfth century, and had the 'purely local' meaning of inhabitants of the *civitas* and walled *burc* respectively. The greater (*cives*) included the less (*burgenses*). The original free population is negligible, and the population was dependent upon the bishop or one or other of the great ecclesiastical landholders of Strassburg: the bishop having 'Gerichtshoheit über die gesamte Stadt'. The author, who interprets the records of Strassburg in the light of topographical knowledge, shows that, with the exception of episcopal *serri*, the Jews, and such-like, all the inhabitants, whether *ministeriales*, merchants, or artisans, were included in the names *cives* or *burgenses*. The distinction between *Hofrecht* and *Stadtrecht* arose, not through a distinction between free and unfree, but owing to the growth of the population and of a mercantile and manufacturing element which paid money rents and was less dependent upon the landholders. All citizens not in the *familia* of church or bishop were subjected to the jurisdiction of the *Schultheiss*, who was also judge in trade disputes (*Handelsgericht*) over all citizens, whether dependent or not. In the next period (1197-1220) the city walls were enlarged, the distinction between *cives* and *burgenses* ceased to exist, the industrial character of citizenship was emphasized, and the jurisdiction of the *Rat* (which took the place of the *Schultheiss*) was extended to all citizens. Yet, on the other hand, although the *cives* were now opposed to the *ministeriales*, there was still no independent order of burgesses. Those of the *familia* of a lord, though subject to the jurisdiction of the *Rat*, were under a different law; and the *Rat* was composed partly of *ministeriales*. In the next period autonomy was secured. Dr. Achtnich raises several interesting points, and suggests others which he does not raise.

To an English reader the condition of the city before the *Stadtrecht* is of special interest. For example, to what extent did the general term *cives* include men who lived outside Strassburg altogether? It appears that it included some who were subject to external lords. In many ways parallels with English customs come to mind. From a wider point of view this

concrete study of a great town helps to clear the reader's mind with regard to the recent generalizations of German scholars. The theory that the borough courts were the courts of the free, as expounded by Below, and that the trader had no special share in producing them, is as one-sided as the theory of Sohm, that the borough is the outcome of the market. Dr. Achtnich speaks rather uncertainly about these things at times (e.g. p. 27), but he makes it plain that bishop, *ministeriales*, dependants of the feudal *familiae*, and settlers contributed to the process in which, first, the 'common law' gave way to the twofold law of the *Hof* and the *Stadt*, and, secondly, *Hofrecht* gave way to *Stadtrecht*, involving the extinction of the *ministeriales*. Finally, we would direct attention to the pages which describe the growth of the patrician families who controlled the *Rat* in the thirteenth and later centuries. The mixture of economic and legal forces behind them illustrates the growth of similar hereditary officials,¹ and of a similar distinction between 'rich' and 'poor' in some English boroughs.

F. M. POWICKE.

Venice in the Thirteenth and Fourteenth Centuries; a Sketch of Venetian History from the Conquest of Constantinople to the Accession of Michele Steno, A.D. 1204-1400. By F. C. HODGSON, M.A. (London: George Allen, 1910.)

THE present volume, which forms the sequel to the author's previous study of Venetian history, is obviously the fruit of considerable research. Unfortunately, however, in at least one portion of the book, the Levantine relations of Venice, that research has not been brought up to date, and the great mass of new material accumulated since the time of Gregorovius has not been utilized. The documents recently published by Don Antonio Rubió y Lluch, by Professor Lámpros and others, appear to be unknown to the author, while several important Greek texts have escaped his notice, and he has thus merely repeated the statements of Hopf, who wrote before they had been printed.

For example, we know now from Chomatianós¹ that the Latin kingdom of Salonika did not fall 'in 1222', but that its capital was still in Latin hands on 12 May, 1223; we know, too, from the papal registers,² that Guillaume de Villehardouin did not succeed till 1246. We miss in the account of Rhodes under the family of Gabalàs any allusion to Nikephóros Blemmýdes, by far the best authority for the contemporary history of that island. The identification of 'Mesetria' with Mistrá (p. 119 n. 1) is impossible, for in 1256, the date of the event mentioned, Mistrá was still Frankish, and the church of Santa Sophia there, as M. Millet has shown, was not founded till about 1350. It is thrice stated (pp. 86 n. 2, 163, 214 n. 1), that 'Bohemund de Brienne' was 'King of Rascia'. The person meant is the Rascian, that is to say, Servian, king Stephen Uroš I, whose wife, the famous Queen Elena so often mentioned in contemporary documents, was a daughter of the Latin Emperor Baldwin II, and consequently a granddaughter of Jean de Brienne. Here and there the author's Greek

¹ Pitra, *Analecta sacra et classica*, vii. 335-8.

² *Les Registres d'Innocent IV*, i. 275.

geography is at fault. Thus 'Rupo' (p. 41) is the *skala* of Oropós; Sapienza lies opposite Modon, not 'off the harbour of Navarino' (p. 134); Ravenika was not 'in Macedonia' (p. 3); and 'Cariddi', the scene of the battle between the Franks of Athens and the Franks of Sparta, has in this connexion nothing to do with 'Charybdis' (p. 43 n. 2), but is the Greek *καριδί* ('walnut'). 'Setines' is not 'the Bulgarian name for Athens' (p. 282 n. 1), but one of the ordinary Frankish perversions of the Greek noun with the preposition. The author quotes Gregorovius as his authority for this statement, but the German historian described 'Setines' not as 'the Bulgarian', but as the *Vulgärname* for Athens! Othon de la Roche, the first Frankish lord of Athens, was not 'father' (pp. 42, 633) of his successor, Guy I, nor is there any proof that Don Alfonso Fadrique 'established himself in a palace on the Acropolis' (p. 287), for the Catalan capital was Thebes, and the Acropolis was at that time mainly important as a strong fortress and the site of a great cathedral.

The rest of the book treats of a subject more generally known—the domestic affairs and constitution of Venice. So much has been written on this topic that it is difficult for any one to say anything fresh about it; but the author has well expressed the fundamental principles of the Venetian oligarchy. The book is illustrated by a number of photographs. It could, however, have been wished that, instead of the commonplace view of modern Chalkis, with the railway station in the foreground, the author had reproduced the picturesque old castle in mid-Euripus, now destroyed, but of which pictures are still extant. WILLIAM MILLER.

Beiträge zur Geschichte der letzten Staufer; Ungedruckte Briefe aus der Sammlung des Magisters Heinrich von Isernia. Mit einer Einleitung von KARL HAMPE. (Leipzig: Quelle & Meyer, 1910.)

MASTER HENRY OF ISERNIA was a professional rhetorician, with some claims to be regarded as a humanist. He learned Latin and the liberal arts in the university of Naples, which he quitted in 1258 to take up his paternal inheritance at Isernia, in the province of Molise. Somewhat later he continued his literary studies under Peter de Prece, a Ghibelline publicist, who had been a notary in the Sicilian chancery and was an adept in the 'style of Capua', the contorted and euphuistic latinity then in vogue among the secretaries of Italian magnates. A ready-witted pupil, Master Henry became so proficient in epistolary composition that he was deemed worthy, in later years, of a comfortable post in the chancery of Ottocar II at Prague (1273). Here, so far as we know, he ended a career which, in its earlier stages, had been one of continuous disappointments and misfortunes. Before he made acquaintance with Peter de Prece he had been victimized by the rapacious officials of his native province, he had hawked his literary accomplishments without much success in the papal court at Viterbo (1268–9), and he had been proscribed by the Angevin government, as a supporter of Conradin, on the strength of a false denunciation. As Peter's

¹ Compare the problem presented by the nature of the *centum pares* of Rouen (Giry, *Les Établissements de Rouen*, i. 14). Kentgen has recently analysed in a similar way the mingling of professional and hereditary elements in the 'unfree' *ministeriales* (*Vierteljahrschrift für Social- und Wirtschaftsgeschichte*, viii).

pupil he had deserted the ungrateful Guelphs and had endeavoured, by writing Ghibelline manifestos, to get a footing in the household of Frederick of Thuringia, while that prince was still regarded as the most suitable rival to be set up against Charles of Anjou (1269-70). Afterwards he had eked out a living in Prague by teaching, by copying manuscripts, by entertaining Bishop Bruno of Olmütz with scholarship and polished ribaldry.

His adventures are known to us through his letter-book, of which there are copies in the imperial library at Vienna and the university library at Cracow. Some of the pieces which it contains are of value for Bohemian history. These have been partially edited by Dolliner in his *Codex epistolaris Primislai Ottocari II* and by Emler in the *Regesta Bohemiae et Moraviae*; and by the Russian scholar, A. Petrov (*Henrici Italici Libri Formarum*, Petersburg, 1906-7). Professor Hampe has chosen rather to print some pieces which illustrate Italian history and the individuality of the author. They are twenty in number and of varying degrees of interest. Incomparably the most important is the apologia which Master Henry composed, at a safe distance from Isernia, on learning that he had been proscribed in absence. It gives a graphic account of the injustice which he, and his father before him, had experienced at the hands of private enemies and the representatives of the Sicilian crown. As Professor Hampe points out, this letter is unique in giving us a picture of the Hohenstaufen despotism, as it appeared to those who suffered most by it. No doubt we are dealing with *ex parte* statements. Nor should it be forgotten that Master Henry and his father were unfortunate in being the vassals of a suspect family, the counts of Celano-Molise. Situated on the borders of the Sicilian kingdom, Isernia was jealously watched by the government, and the whole province was ruled by methods which resemble those of the modern 'state of siege'. But, if judiciously handled, the reminiscences of Master Henry supply an instructive footnote to the constitutional history of his native realm. His defence is well analysed in the editorial introduction, which gives, under the form of a biography of Master Henry, an excellent appreciation of his value as an historical authority and his significance as a literary man.

To fit together the historical data supplied by the new letters has been no easy task. In fact, few readers would make much of them without the learned and ingenious footnotes of Professor Hampe. The letter-book was intended as a manual for students of rhetoric. Consequently proper names are often omitted; and there is at least one case in which they have been intentionally altered 'ad evitandum quorundam scandalum' (no. 13). Some of the pieces are mere rhetorical exercises, descriptions of events which never happened, declamations to suit imaginary occasions.¹

¹ The Vienna manuscript contains two letters of this character which relate to England; it is uncertain whether they were written by Master Henry or inserted by an editor of his book. In the first a pope, who is called Innocent, rebukes an unnamed king of England, who has been accused of grave offences by an archbishop of Canterbury. In the last two years the king has forfeited the renown which he had previously gained. He has become unjust, unchaste, neglectful of the duties of his office. He is exhorted to take a wife of good birth and good reputation and otherwise amend his ways. In a second letter the king replies by countercharges against the archbishop. The pope's name is here given as *N.*, that of the king as *R.* Even assuming that the names have been altered, there is no situation in English history to which

In 1269 Master Henry composes two alternative descriptions of a German invasion of Italy (no. 4). This is followed by a manifesto proclaiming the election of a new emperor (Frederick of Thuringia) as an established fact (no. 5); and by a formal indictment of Charles of Anjou, presumably to be delivered before Frederick's tribunal (no. 6). In other cases we can hardly doubt that the letter, as copied into the collection, is much more elaborate than the original. When Master Henry has occasion to consult his lawyer he apologizes for a certain informality, '*cum presens oracio non epistolaris dictaminis effectum redolet, sed colloqui vel concionis potius maneriem sapiat vel naturam*' (p. 98). Nevertheless he proceeds: '*cum igitur de me predicetur humanitas et valeam inter rationabilia numerari siquæ in gradu positus positivo in magnis hesitancium comes factus, expedit ut si quando michi aliquod occurrit dubium, cuius causam nesciam et occasio non sit patens, examini exponere debeam sapientis*' (p. 100). How far the contents of the original letters may have been modified in the course of rhetorical embellishment is a thorny question. It is one of the difficulties which have deterred Professor Hampe from printing a larger selection of the unpublished letters. Fortunately Master Henry has included in his collection some autobiographical notes which assist us materially in interpreting the tumid generalities of his letters.

Despite eccentricities of style we cannot read him for long without realizing that his mind is vivacious, and his philosophy of life singularly unconventional. He can describe a landscape, he can tell a story, he can hit off the foibles of an enemy. He has swallowed all the formulas; not content with abusing the clergy, he rhymes about predestination and providence and other mysteries in the aggrieved tone of the plain man who finds the current theology immoral and does not shrink from saying so. There is no God in his private creed; and if there ever was an age of miracles it has gone by. The world, to his mind, is ruled by a blind, impersonal, and all-destroying fate. Though he writes so eloquently of the empire, and of the golden age that Frederick or Ottocar shall bring again, he is essentially an individualist, wrapped up in his personal ambitions. He is morbidly conscious of the discrepancy between his condition and his deserts; not ashamed to cringe before a possible patron, he writes violently of those who have treated him like a servant on the strength of entertainment which cost them sixpence a day (p. 140). He is easily depressed. When he breaks his nose he cries out: '*O prediram tirannidem Fortune! O serviciam truculentam—O casus mirabilis tristem sortem! O ineluctabilis fati seriem truculentam*' (p. 137). When, on the other hand, he gets preferment, he hastens to assure his wife and mother that he will shortly be a more distinguished person than any of his ancestors (p. 132). It is characteristic of the man that he does not invite his family, living wretchedly at Isernia, to come and share his prosperity. We regret that Professor Hampe has refrained from printing more of the purely domestic letters, which apparently are numerous. They would be a useful contribution, if not to the history of the Hohenstaufen, at least to the history of human nature.

H. W. C. DAVIS.

these letters can relate. Probably the author had in mind some confused traditions about King John.

Des Écrits Authentiques de S. Thomas d'Aquin. Par PIERRE MANDONNET, O.P. (Fribourg: Imprimerie de l'Œuvre de Saint Paul, 1910.)

OF the vast collection of writings which appear in the complete editions of St. Thomas it has always been known that some are not genuine. From time to time attempts have been made to arrive at an authentic list, but no previous study of the question is so complete or so convincing as that which Father Mandonnet has now accomplished. In one sense the importance of such an inquiry is not supreme, for, except for an eccentric suggestion in the seventeenth century that the *Summa* itself was not the work of St. Thomas, there has never been any serious doubt as to the genuineness of the more notable works. But if it is beyond the power, and indeed beyond the ambition, of Father Mandonnet to increase our insight into the mind of St. Thomas, we shall not be on that account the less grateful for so excellent an example of historical method, and for the positive results thus achieved. First, then, as to the method of solution, Father Mandonnet is evidently right in trusting far more to external than to internal evidence. Considerations of style and language, or, again, of doctrinal matter, may suffice for the rejection of certain claims; but when it comes to positive identification, the very rapidity with which the teaching of St. Thomas spread through Europe must have made it likely that imitations, perhaps too close to admit of detection, would appear on every side. Almost everything, therefore, depends upon the early catalogues, some fifteen of which Father Mandonnet examines. Omitting one which is of no great importance, these catalogues fall into three groups, and in each group there is one that may be called the prototype. Their relative importance cannot be determined merely by their antiquity, for although the two oldest are the *Tabula Scriptorum Ordinis Praedicatorum* (third group) and the catalogue by Ptolemy of Lucca (second group), Father Mandonnet selects as an almost absolute criterion the 'official' catalogue (first group), which was drawn up as a preliminary to the canonization of St. Thomas (1323). Associated officially with the name of Bartholomew of Capua, an important personage in the kingdom of Sicily, this catalogue was certainly based on information supplied by the Order of Preachers. The companions of St. Thomas, and especially Rainaldus of Piperno, were, at the time of their master's death, in possession of all his writings. From them, or at least from their immediate successors, correct information could be derived, and there seems to be no good reason for refusing to credit the statements made in the catalogue.

Here we find the writings divided into three sections: (1) the *Opuscula*, a collection of twenty-five pieces, recognized under this title from the earliest times; (2) the works of which the *exemplaria* were preserved at Paris, these including nearly all the most important; (3) works to which the catalogue prefixes the words, *si autem sibi alia adscribantur, non ipse scripsit et notavit, sed alii recollegerunt post eum legentem vel praedicantem*. Nine of these are mentioned, and in some cases the author of the *reportatio* is named. In view of statements so explicit, Father Mandonnet seems justified in regarding all other catalogues as of minor authority. To Ptolemy of Lucca, and also to the *Tabula Scriptorum O.P.*.

there belongs the importance of being independent of the official catalogue, while Bernardus Guidonis, who is for that reason the most important person in the second group, had the advantage of comparing the official list with Ptolemy's. But Ptolemy's information was obviously defective, and similar defects in the *Tabula* may be accounted for by the fact that St. Thomas was only one out of more than a hundred Dominican writers whose works it was proposed to tabulate. Unless, therefore, any one is prepared to question Father Mandonnet's faith in the official catalogue, the problem might appear to be solved. Yet the matter is not quite so simple. For, to say nothing of the fact that there is only one manuscript of the catalogue, and this not a very good one, Father Mandonnet himself points out, (1) that in one case the catalogue gives the same work under two different titles; (2) that the Commentary on Job, about which Ptolemy and all other early authorities are unanimous, is omitted; (3) that the titles of the *Quaestiones Disputatae* indicate only the three main periods of composition; whence it comes that the *De Malo* and others are not specified; (4) that the catalogue (perhaps deliberately) overlooks many *Responsiones* and occasional pieces, e.g. the letter to James of Viterbo *De Emptione et Venditione*; (5) that the office for Corpus Christi, in which St. Thomas reveals a new side of his genius, is not included. Good reasons for these omissions may be given, but they serve to show that the catalogue is not infallible, and that there is still some opening for research. Another interesting question relates to authentic writings, mentioned in the catalogue, which have now disappeared. The most important case is that of the Commentaries on the Four Gospels. These are clearly distinct from the *Catena Aurea*, and Father Mandonnet suggests that a search through the libraries of Europe might even now bring them to light. To judge by some of the more critical observations found in the extant works, such a discovery might be of great interest.

As to the spurious writings, many of which are included in the earliest catalogues, Father Mandonnet offers only a few observations. The important *Compendium Theologiae Veritatis* he is disposed to attribute to Hugues Ripelin, a Dominican of Strassburg, and the third part of the *Summa* to Rainaldus of Piperno. Despite Father Mandonnet's well-grounded preference of external to internal evidence, it would be an interesting, if laborious, task to seek in the style and matter of some of the spurious works a confirmation of their exclusion from the official catalogue. Take, for instance, the Commentaries on the *De Somno*, *De Somniis*, and *De Divinatione in Somniis*. That St. Thomas did not at any time lecture or comment on these is improbable. Their close connexion with the *De Memoria*, and their relation to a statement in *Eth. Nic.* i. 13, would not have escaped him. Again, it is possible that they may have gone with the *De Memoria*, and thus, like some of the *Quaestiones Disputatae*, have escaped explicit mention. On the other hand, it would be particularly easy, in a small Aristotelian commentary, to produce an almost exact imitation of St. Thomas's manner. Can anything be inferred from internal evidence? One point at least is worthy of notice. In the commentaries on these three little treatises

not a single *lectio* begins with the word *postquam*; whereas in the commentaries of undoubted authenticity the *postquam Philosophus* opening is so common that any other appears almost exceptional. If this does not in itself prove that St. Thomas was not the author, at least it proves that the author was not trying to imitate St. Thomas, for no plagiarist, however stupid, could miss so obvious a point. As a commentator upon Aristotle, St. Thomas is so reserved, and, one might almost say, so painfully relevant, that it is, in any case, by attention to little mannerisms of this kind rather than by weightier considerations that the problem of authenticity must be resolved. W. H. V. READE.

Accounts of the Chamberlains and other Officers of the County of Chester, 1301-60. Edited by R. STEWART-BROWN. (Lancashire and Cheshire Record Society, Vol. LIX, 1910.)

IN this very interesting volume Mr. Stewart-Brown has partially revealed to us what an immense mass of unused material still exists for the history of the Cheshire palatinate in the fourteenth century. So important and valuable are the documents, that we cannot but feel some regret that Mr. Stewart-Brown has been content to give us a summary in English of part of the accounts which he has studied, rather than the text of some of the documents themselves. However, the summary is well done, and no doubt the bulk of the material made more elaborate treatment difficult. It is unfortunate, however, that some parts of the chamberlains' accounts are altogether omitted. Except for one or two specimen extracts, Mr. Stewart-Brown has put aside the entries about Flintshire as irrelevant to the operations of a Society whose field is only Lancashire and Cheshire. It is impossible, however, for him to do this thoroughly, since the Flintshire accounts are so absolutely mixed up with the Cheshire ones that any attempt to treat as two documents which are essentially one cannot be altogether successful. For instance, the fact that the manor of Overton, which included a good deal of the Flintshire district of Maelor Saesneg, was let out to farm to the same farmer as the great Cheshire manor of Macclesfield, causes the rent of one Flintshire district, at least, to swell the revenues of Cheshire proper. We are a little uncertain whether some of the later accounts are completely given, even within the lines prescribed by the editor. Thus the roll of 1359-60 is admittedly given in extracts, though apparently only by reason of its decayed condition. The most valuable of the accounts printed are those of the chamberlains, who were at once treasurers and chancellors of the palatinate. A few accounts of sheriffs, both of the city and county, of constables, foresters, and bailiffs of manors are avowedly given as specimens. There are admirable indexes, one of which is made by Mr. J. Brownbill.

The introduction, though short, is satisfactory, but it is to be regretted that it is not the policy of the Society to encourage editors to bring out in more detail the value of the records which they set forth in print. The methods by which Flintshire and Cheshire were administered by the agents of Edward of Carnarvon and the Black Prince are very well worth a special monograph, not only by reason of their local interest, but

because of the light they throw on the general system of English government in the fourteenth century. It would be much to be wished that Mr. Stewart-Brown, who has studied the documents, should find some other opportunity of telling us at length of the working of the system whose importance he has been the first to enable us to realize. With regard to what he has said now, it may be suggested that it was not the case that Sir Oliver de Ingham, justice of Chester, who in 1328 took the counties of Chester and Flint to farm, and so put aside for a time the ordinary functions of the chamberlain, continued to hold this lease until 1334, when the next extant chamberlain's account begins. Ingham was a partisan of Mortimer, and fell with his master in 1330. Though he was immediately restored to favour, it is unlikely that he carried on the administration of Cheshire after that date, if only because he soon became seneschal of Gascony. In fact a patent of 25 February 1331 granted to Queen Philippa for the support of the infant Edward earl of Chester the issues of Cheshire, from the time of the arrest of the earl of March, by the hands of the chamberlain of Chester.¹ This means that with Mortimer's fall Ingham's farm of Cheshire came to an end. That the chamberlain of Chester immediately resumed his functions is also testified by the fact that on 16 December 1330 the chamberlain, Simon de Rugeley, complained that he was assaulted and robbed at Stafford when on his way to deliver the moneys received for the king at Chester to the exchequer at Westminster.² T. F. Tout.

Calendar of the Patent Rolls, Henry VI. VI: 1452-61. (London: H.M. Stationery Office, 1910.)

THIS volume concludes Mr. A. E. Bland's *Calendar* for the reign of Henry VI. The period which it covers is somewhat longer than usual, and is one of peculiar interest. Unlike the previous volumes for the same reign, its contents are of exceptional value for political history. Probably the explanation is to be found in the troubled state of the time, which made the machinery of government unusually important to whatever party was in power. The first illustration is of the disturbances of 1452-3, when we have notice of Yorkist movements in Lincolnshire and Northamptonshire at the time of Richard's field at Dartford in February 1452 (pp. 23, 27, 31). York's protectorate is illustrated by the exemplification of an act of the council in his favour on 21 November 1453 and by other documents (pp. 143, 153, 159). There is little that bears on the events of 1455-6, except for some references to riots in the west country (pp. 257, 304); the second of these gives the text of a proclamation on unlawful gatherings to be published in Devonshire in March 1456. The fullest illustration is, however, for the troubles of 1459 to 1461, beginning with the numerous records of the forfeiture of Yorkist lands in December of the former year; that partisanship was not altogether blind is shown by the fact that York's own lands were put in charge of his servant, John Milwater, and provision made for the duchess and her children. On the other hand, the adherents of Lancaster come in for abundant rewards. That the authority of the government was uncertain is shown by the

¹ *Cal. of Pat. Rolls*, 1330-4, p. 78.

² *Ibid.* p. 61.

detention of forfeited lands from the king's possession by the adherents of the exiled lords (p. 576). There are frequent references to incidents of the civil war, to the fighting at Blackheath, at Sandwich, and at Calais. The records for the summer and autumn of 1460 are confusing in their changes of attitude. In June the earl of Wiltshire receives reward for his services against the rebels (p. 547), and orders are given to resist the king's adversaries who are intending to enter the realm (p. 609). In August warlike provision is being made under Yorkist direction (pp. 599, 608, 612). At the close of the year the machinery of government is entirely in the hands of the Yorkists, and the last entry on the Rolls is a commission to Edward, duke of York, on 12 February 1461 to go against the king's rebels. Throughout the volume there are frequent commissions to inquire into riots and unlawful gatherings, which show clearly the lack of any firm government. Of special interest is the long document in defence of Ralph Cromwell drawn up in April 1453 (pp. 93-102).

We may note in conclusion some London references: a grant of 'Baynardscastell' to Edmund Tudor in 1453 (p. 79); a description of the bells and clock-house at Westminster (p. 113); the grant of Macworth Inn (p. 145); the acquisition by Nocton Park Priory of the messuage in Chancery Lane, which afterwards became the house of the Six Clerks (p. 152); Shiryngton's Chantry and Library and the 'Crowdes' at St. Paul's (pp. 201, 480); and the chantries at St. James Garlickhithe (p. 242). An interesting record of another kind is the schedule of the goods in the king's armoury, beginning with swords made 'for to lerne the king to play in his tendre age', and 'a litel harneys that the erle of Warwick made for the king ere he went over the see garnysshed with gold which was delivered to Duc of Suffolk for his sone' (p. 247). The copious index fills nearly 400 pages. In such a mass of names some omissions are inevitable; the 'Counters of London' on p. 61, and 'le Bay' (ships laden with salt at) on p. 118 should be added.

C. L. KINGSFORD.

Select Cases before the King's Council in the Star Chamber. Vol. II: 1509-44. Edited for the Selden Society by I. S. LEADAM. (London: Quaritch, 1911.)

THIS second volume of Star Chamber cases is not less interesting than the first (see vol. xix. 774) as regards the original matter contained in it, and is characterized by the same extensive research and expert knowledge on the part of its editor. What Mr. Leadam pointed out seven years ago as to the much misapprehended jurisdiction of the Court of Star Chamber is here confirmed. The statute of 1529 proceeded on the same lines as that of 1487 by which the court is erroneously supposed to have been created, and really did very little more, except apparently to legalize some variations that had arisen in practice. But the sphere of action of the court itself appears under Henry VIII to have been considerably enlarged. The energy displayed by the first Tudor in grappling with the evils which had been the causes of civil war and disorder had been so successful that the attention of the council was occupied with questions of a different character, still of the highest importance to the general welfare. How to avert

scarcity and famine in a country dependent on its own supplies was naturally the very first of them. Of course, political economy was not understood, and the extremities to which the poor were reduced in 1527 were heartbreaking. Carriers of corn to London were plundered on the road, and the French ambassador could only get his bread at the baker's by the aid of an armed guard. Commissions were sent into the different counties to search barns and see that no one withheld corn from the market in hope of greater gain. But grievous complaints were made to Wolsey in 1529 that, in spite of the king's gracious proclamations 'against fore-stallers, regraters, and engrossers of corn', Thomas Alward and Christopher Branston of Lynn had since Michaelmas of the preceding year bought up 980 coombs of pease, beans, barley, and oats in the county of Huntingdon, by which the price of pease and beans rose two shillings in the quarter within the space of three market days, threatening to produce a new famine; and, worse still, John Castell, one of the justices of the peace for Huntingdonshire, when they were prepared to have indicted the offenders, forbade them to interfere, as he and his cousin Price and Master Sapcottes would order the matter better than they could. Was this fair? It seems that on St. Andrew's day (30 November) Alward (or Aylward as he is called in a second bill) was actually lading his keel with pease in Huntingdonshire to carry down the Nen to Lynn, when 'a poor man' of Yaxley asked him whither he would carry them. Aylward said in reply, 'Hast thou anything to do therewith? For I am not there to give thee account.' The poor man rejoined, 'You men of Lynn did carry our pease into Scotland the last year and pyned us for hunger,' and he feared they were going to do the like again, even against the king's commandment. Meeting him once more the poor man asked Aylward reproachfully, 'Have ye not bought pease enough yet?' On which Aylward got off his horse, drew his sword and buckler (that the bearing of weapons was illegal did not trouble him), and threatened the poor man's life.

There is much else in this volume connected with the mistaken attempts to regulate prices, about the decay of towns and increase of inclosures, and about local jealousies, such as that of the town of Newcastle when the priory of Tynemouth was setting up Shields as a rival port. The subjects are really tempting, and will doubtless afford first-rate matter of interest for coming historians. Tynemouth priory was a cell of St. Alban's; but in 1519 Wolsey, as legate, had granted Prior Stonywell exemption for life from the abbot's jurisdiction—and no doubt he afterwards received still more valuable support from the great cardinal who, a few years later, became abbot of St. Alban's himself and bishop of Durham besides. For the wealth of the bishopric of Durham could not but be augmented by the prosperity of Shields. Dan John Stonywell, however, had ceased to be prior of Tynemouth by 1527; and there seems hardly a doubt that he was the John Stonywell 'episcopus Poletensis' (bishop of Polizzi *in partibus infidelium*) who became abbot of Pershore in September 1526.

But there is a very remarkable case of continued litigation between the inhabitants of Thingden in Northamptonshire and the lords of the manor, John Mulsho and his grandson Thomas. The main grievance was inclosures, and the inhabitants, headed by Henry Selby, in spite of defeats in the

common law courts and the chancery, made persistent applications for redress over a period of no less than forty-four years, from 1494 to 1538. Such perseverance is extraordinary. 'Even the commissioners appointed to arbitrate,' says Mr. Leadam, 'one of them a chief justice, were accused by them to the Star Chamber of partiality towards the incloser. The incident exhibits, as does the whole litigation, the assurance felt by the labouring classes that the policy of the Tudor government was favourable to their interests.' The story, indeed, is a very complicated one, and Mr. Leadam devotes no less than thirty-two pages of his introduction to an examination of the contents of the documents. For my part, it is enough to have quoted the above few sentences as to the general character of the litigation; except that I must mention that the inhabitants raised questions founded on Domesday Book about ancient demesne of the crown, and Mr. Leadam himself discusses, from a point of view of his own, the subject of villeins in gross and villeins regardant, not entirely agreeing either with Hallam or Professor Vinogradoff.

JAMES GAIRDNER.

Gustav Adolfs und seines Kanzlers wirtschaftspolitische Absichten auf Deutschland. Von Professor Dr. FRIEDRICH BOTHE. (*Frankfurter historische Forschungen.* Heft 4. Frankfurt a. M.: Baer, 1910.)

IN the transfer of commercial activity from its old centres in the north and south to the intermediate corner of the continent, the western powers, the policy of the Habsburg monarchy, while uniting in a way all the reactionary interests, tended to be chiefly guided by those of its Spanish part. Thus the idea of an opposition to the change of economic balance allowed of a variation from the point of view of northern Europe. It was Sweden that, by a forced capitalistic development, succeeded in stepping to some extent into the place of the German Hanse as an active and direct representative of Baltic industry in the world-market. Professor Bothe seeks to show that the initiators of this policy, the two great Swedish statesmen of the Thirty Years' War, had also the plan of reviving for their purpose and receiving into their enterprise the decayed economic forces of the German empire. His proofs consist mainly of the proposals for a Germano-Swedish *Süderkompagnie* circulated between 1632 and 1634 by Willem Usselinx, then the commercial agent of the Swedish crown, which indeed implied a scheme for a commercial union of Germany not far removed from the *Zollverein* of the last century. But the question is whether they actually represented anything the Swedish government seriously meant to carry into effect. And instead of discussing the egotism of Gustavus Adolphus, the importance of whose death for the failure of Usselinx's commercial policy is much overrated (pp. 185, 203), the author should have tried to give a coherent estimate of the political and economic possibilities in the action of Sweden. It is undeniable that after its capital had been found insufficient for Usselinx's first project for a national *Süderkompagnie* in 1626 and the following years, the German expedition was intended to be utilized for the collection of foreign capital in that country (p. 72). But equally clearly this collection could have only one

character, that of warlike contribution. That nothing else was thought of in the way that small shares were asked for is shown by Usselinx's memoir of 30 June 1634 concerning a sum of 1,600,000 dollars to be levied during four years for his company from single households in Pomerania (p. 218 f.). Nor would the contemporary law of trading companies have guaranteed to the smaller holders any share in the application of their money. And though Usselinx in his *ampliatio* of the original *octroi* had lowered by one-half the amount of shares necessary for the foundation of a *Kammer* and the nomination of a deputy to the council (pp. 25-7, 121 f.), the rights of shareholders might be of little avail with a government which had made the most arbitrary use even of the funds of the national company (p. 43).

The part assigned to Germany by Sweden in its economic projects is indicated by the monstrous document of 1632 entitled *Vorschlag wegen einer kupfernen Münze* and published by Professor Bothe for the first time from copies at Frankfort and Strassburg (p. 240-50), which proposed to introduce into the Rhenish, Frankish, and Swabian circles a copper currency in order to relieve the Swedish market by nearly 30,000 cwt. of that metal, worth almost 700,000 dollars. The crown of Sweden was to bind itself to repurchase the copper at the selling price after four years, a pledge the value of which was illustrated in 1633 by the imposition of copper customs on the Main in flagrant breach of the repeated promises of free trade (p. 149 ff.). Had Sweden made good her conquests, she could only have used Germany for her own advantage. If Professor Bothe's researches on the financial history of Frankfort led him to admit that it was not poverty that kept the German towns from listening to Usselinx (pp. 116, 124), further reflexion might have shown him what difficulties they had in maintaining their political and economic independence.

C. BRINKMANN.

Nicolas Caussin, Confesseur de Louis XIII, et le Cardinal de Richelieu.

PAR C. DE ROCHEMONTEIX, S.J. (Paris: Picard, 1911.)

THIS is not a complete biography of the Jesuit confessor of Louis XIII, but a detailed account of his contest with Richelieu and of his consequent disgrace. The king's moods and the influences to which he was subjected necessarily merited the cardinal's attention. Apart from all other peculiarities in the situation, the pivot of a political life in the France of the period—a fact emphasized by M. Hanotaux—was to gain the complete confidence of the king, since the royal power alone represented the elements of permanence, unity, and authority. Richelieu had selected Père Caussin as the royal confessor from a mistaken view of his character as 'un instrument docile'. Caussin, with wider views as regards the scope of his office, used the power of the confessional over the king to point out the evils of Richelieu's ministry, the alliances with the protestants, the misery of the people, and the treatment of the king's mother. Also in communication with Mademoiselle de La Fayette at the Convent of the Visitation, he lent emphasis to her pleadings on special subjects. In fact, Louis XIII, who was attentive rather than convinced, declared to Chavigny that Caussin

'l'avoit mis en tel estat en se confessant qu'il ne sçavoit s'il estoit damné'. In the present volume full accounts are given of the interview between Caussin and the king on 8 December 1637, and the subsequent interviews of both with Richelieu at Rueil. The legitimate domain of the Jesuit's conscience in dealing with that of the king was the subject of disagreement between himself and the cardinal. If he had been wiser he would have preferred to act, to use his own words, as confessor of Louis de Bourbon rather than of Louis XIII.

The bulk of the documents utilized by M. de Rochemonteix have been already dealt with, notably by Griffet in his *Histoire du Règne de Louis XIII* (1758). The *Recueil de Louviers* contains the most important sources of information, namely, the letters written by the Jesuit in exile to the king, Pope Urban VIII, and others. Those written by him to Vitelleschi, general of the Company, and to Mademoiselle de La Fayette, are a special justification of his conduct from his own point of view, which should be compared with the account of the affair given by Richelieu both in his memoirs and letters. In the latter the cardinal refers to Caussin's conduct as 'la plus noire et damnable malice qui ait jamais esté en esprit de moine', and in the notice of his disgrace inserted in the *Gazette*, 26 December 1637, his 'conduite mauvaise' is assigned as the cause. In the memoirs the Jesuit is accused of intrigues in favour of Marie de Médicis, and implication in the affair of La Porte. Père Caussin in his letters, however, to Père Binet and M. des Noyers protests his innocence. To both he writes: 'Je jure . . . que je n'ai eu cabale ni intrigue avec personne, que j'ai vécu à la Cour en homme de bien . . . j'ai dit au Roi ce que je ne pouvais taire sans me damner, lui remontrant avec effusion de larmes la nécessité de son pauvre peuple et le devoir de sa charge.' In his *mémoire* to Vitelleschi dated from Quimper, 7 March 1638, he gives a complete account of his conduct at court. M. de Rochemonteix refers to this document as 'le plus précieux en faveur du confesseur de Louis XIII'. To Père Suffren, then in attendance on Marie de Médicis in England, he writes: 'Il n'a rien trouvé de reprochable en nos mœurs ny de mauvais en nostre doctrine. Mais nous avons un grand défaut pour ce temps où nous sommes, qu'y est de n'entendre pas bien la théologie de Ruel, et de ne pouvoir accorder les mystères de nostre religion avec les intérêts de la faveur.' As regards Caussin's character and behaviour, M. Maréjol believes, 'il faut lui supposer ou un prodigieux aveuglement ou une grandeur d'âme admirable': M. de Rochemonteix, we gather, inclines to the latter supposition; while acknowledging the Jesuit's indiscretion and narrowness of view, he continually praises his sincerity and courage. CONSTANTIA MAXWELL.

The House of Lords during the Civil War. By CHARLES HARDING FIRTH, Regius Professor of Modern History in the University of Oxford. (London: Longmans, 1910.)

THE entire period here embraced, except for the two years that separate Oliver Cromwell's death from the Restoration, has been already covered by the volumes of the late Dr. Gardiner and Professor Firth, which together form the standard history of the Great Rebellion and the Protectorate.

Among the crowded details of these volumes, however, it is not an expeditious or an easy matter to concentrate attention on the facts relevant to the comprehension of the vicissitudes of the English house of lords in that troubled epoch, or to follow connectedly the ebb and flow of public opinion on the abstract question of the uses of a second chamber. Yet the aggregate of these facts and theories demands unity of treatment by a competent hand ; and is, in itself, of absorbing and permanent interest to students of political science. No living historian, it is safe to say, could rival Professor Firth in equipment for this task, at once so formidable and so delicate. The substance of his monograph is wider than the title, for it traces the history of the peerage from an epoch long before the commencement of the Great Rebellion. Professor Firth begins by analysing the changes in the numbers and in the constituent elements of the house of lords between the death of Elizabeth and the outbreak of civil war. He proceeds to describe the growth of a party of opposition among the peers ; the position of strategic importance occupied by the lords at the opening of the constitutional struggle as 'the supreme arbitrators between the nation and the Crown' (p. 47) ; the momentous decision of the middle party in the upper house to side with the commons against the crown on the vital issue of the petition of right (p. 52) ; the early popularity of the peers, until they gradually became suspect to the more zealous party of reform, partly by reason of their own tactical blunders, and partly through the growth of democratic opinion in the nation at large ; the attack on the lords contained in the grand remonstrance (p. 98) ; the bishops' exclusion bill ; the military services of individual peers on either side in the civil war ; the various hostile expedients adopted against the upper chamber, culminating in its abolition ; the position of the peerage under the republic ; Cromwell's abortive experiments in constitutional reconstruction ; the attempt to establish the 'Other House' ; the repeated failures to reach a permanent settlement on new lines ; the reaction in favour of the ancient house of lords ; its restoration along with the monarchy in 1660 ; and the permanent results of the national experience on the national mind. The two most enduring results of the experience of the entire period, as disclosed by Professor Firth's researches, would seem to be the permanent transference of initiative from the house of lords to the commons, combined with the creation of a settled conviction, shared even by steadfast republicans, of the need for a second chamber (p. 296).

Turning from the substance to the method of the book, we find Professor Firth proceeding upon those objective and inductive lines which his earlier works have made familiar. His interests reveal themselves as centering round principles and tendencies rather than families or individuals. Carefully suppressing, so far as that is possible, all personal prejudices or predilections of his own, he strives to allow the bare facts to speak for themselves, subject to such colour as they may receive from the estimates of contemporaries. The severe restraints thus placed upon himself are all in the direction of scientific accuracy. Consistent avoidance of the personal note, however, may have drawbacks to counterbalance its merits : the objective method may lose in literary distinction what it

gains in scientific value. Professor Firth's conscientious self-repression suggests aloofness or even coldness of treatment. In sacrificing some of the features that give interest and unity to historical narrative, he has doubtless acted deliberately and after duly counting the cost; but questions obtrude themselves as to how far such sacrifice is necessary. The success of such a method as that of Professor Firth, judged by its own standards, depends on three things: accuracy in the statement of facts; skill in disentangling leading tendencies and permanent results; and the ability to select impartially appropriate illustrations from contemporary sources. His treatise on the 'House of Lords' meets these three tests triumphantly. Few, if any, errors of fact, either major or minor, appear to have crept in. The citation of contemporary opinion has been made with judgement; and contrasted estimates have, with a broad-minded sympathy, been placed side by side, so that the reader occupies the position of a juror present at the examination of the witnesses. It is possible to ask, however, whether Professor Firth has entirely succeeded, when selecting and arranging the evidence to be laid before the court, in escaping from the influence of the conclusions he has himself formed and would naturally desire to impart to others. His generalizations are necessarily the outcome of his own individuality; and it seems unnecessary to disguise the fact. Their claim to impartiality may safely rest on the comprehensive survey from which they have been drawn, and the care and sympathy with which rival estimates have been weighed. His main conclusions would almost seem to emerge of their own initiative from the mass of phenomena passed under review. Such conclusions, however, widely as they may be acquiesced in, do not form themselves; but are the result of an inductive process contributed by the mind that has collected and sifted the material upon which they have been based.

W. S. McKECHNIE.

Friedrich Wilhelm I. und die Volksschule. Von F. VOLLMER. (Göttingen: Vandenhoeck & Ruprecht, 1909).

DR. F. VOLLMER'S inquiry into the question of the true character and actual limits of the services rendered by Frederick William I to primary education in the Prussian monarchy is marked by both critical thoroughness and breadth of view. Under both aspects it may serve as a corrective alike to exaggerated notions of those services, and to depreciating comments upon them, which have found their way into larger works. A useful introduction notices the indications of a genuine interest in popular education on the part of Frederick William I's predecessor, 'who in humane feeling surpassed both the rulers between whom destiny placed him.' Frederick I's instructions, issued in 1712, for a visitation of church and school among the Wends (whom he had previously declared himself unwilling to deprive of their mother-tongue) not only enjoined the establishment among them of a sufficient number of village schools, but required a general attendance in them of the children. A few years later, attendance in village schools was made obligatory in the duchy of Magdeburg; but here, so far back as 1658,

an effort had been made to carry into at least partial effect the counsel of perfection laid down, in the middle of the great war, by no less redoubtable a reformer than Gustavus Adolphus. Thus, in more parts than one of the monarchy, the ground had been prepared for the more persistent endeavours dating from the reign of Frederick William I. These endeavours, after a series of failures, at last, taking occasion from the immigration, in 1732, into Lithuania of several thousands of protestant Salzburgers, laid the foundation of a system of regulations which were gradually extended over German East Prussia and over other provinces. The edict of 1717, which required the general attendance of children in village schools, had been limited to localities where schools were in existence—a condition very far from universal even in the more favoured eastern portions of the monarchy. As for compulsory attendance, there could really be no question of it in the rural districts, and the schools in the towns the king left to the care of the municipal authorities.

It thus appears that the influence of Frederick William I's rule upon the advancement of primary education was administrative rather than legislative; not the less does he deserve to be honoured for the patience and persistence which, without any personal interest in its details, he applied to the task, particularly in East Prussia where the devastations of war and plague had created an all but hopeless condition of things. At the same time it seems clear that, from first to last, the idea of the assumption by the state of the responsibilities of the church in the matter of the education of the people never so much as entered the king's mind, and that the chief stimulus to his labours and sacrifices on this head was derived from the pietistic movement whose influence upon his thoughts and actions was both powerful and enduring. When, in 1735, in the absence of other means for squaring the East Prussian school-building account, he put his hand into his pocket and paid over 40,000 (afterwards increased to 50,000) dollars, he did so from a religious point of view—partly, perhaps, in recognition of a special mercy bestowed upon him in his recovery from a dangerous illness, but, in any case, as patron of the churches on the domains which had passed into the hands of the territorial sovereign. And the system of education which he promoted was in point of fact religious education, accompanied as such by the elementary teaching which, as Dr. Vollmer says at the beginning of his treatise, the Reformation had made necessary if the Bible was to be read by the people.

A. W. WARD.

The Awakening of Scotland; a History from 1717 to 1797. By WILLIAM LAW MATHIESON. (Glasgow: MacLehose, 1910.)

THIS volume suffers from the fact that it is one of a series. The period it deals with is lacking in elements of heroism and romance, and would scarcely, one would suppose, have been deliberately chosen by the author as the subject of a volume had he not wished to complete the scheme he had planned. The work is entitled a history, but it is lacking in continuity. There is no thread of narrative running through it and giving unity to it; but it contains much extremely miscellaneous in-

formation, partly classified and partly poured forth with bewildering profusion. The period, we are told, was 'the most brilliant epoch in the history of Scotland's literature and science'; but this part of the nation's activity is disposed of in two pages and a half (pp. 203-5). The volume contains a good deal of interesting matter in connexion with the progress of Scotland in trade and manufactures during the latter half of the eighteenth century; but it is by no means up to the level of Mr. Mathieson's former books. Nor is the title easily intelligible: Scotland has generally been supposed to have been quite wide awake in politics, both ecclesiastical and secular, and no one has found its inhabitants asleep or blind to matters connected with material prosperity.

The most interesting part of the volume, and that which is most carefully written, is the portion of it which deals with the ecclesiastical politics of the period. It was at this time that the evils resulting from the re-imposition of patronage in 1712 reached their height. From the Reformation onward for more than three hundred years the church struggled to get rid of this incubus. Her view of matters was set forth in 1560 in the *First Book of Discipline*: 'It appertaineth to the people and to every several congregation to elect their minister.' The decision of the state is recorded in the statutes of 1567, by which the reformed religion was established; then it was ordained 'that the examination and admission of ministers within this realm be only in the power of the Kirk now openly and publicly professed within the same—the presentation of laick patronages always reserved to the just and auncient patrones'. In 1649 patronage was abolished and ministers of parishes were directed to be called with the consent of the congregation, but in 1660 this liberty was taken away. Again, in 1690, under what is called the Revolution Settlement of the Church, patronage was abolished, only to be restored in 1712. There can be little doubt that this last legal enactment was due to the policy of the tory party who, as Jacobites and high churchmen, were anxious to curtail the liberties of presbyterians. It has been well said of this measure that 'it violated the Treaty of Union, changed the constitution of the Church of Scotland against the remonstrance of the Church itself, and has been the cause or occasion of all the secessions from the Church which have since occurred'. Finally, the church's claim in this matter was granted by the state in 1874. Mr. Mathieson is inconsistent in his attitude towards the whole question. He admits that the revival of patronage in 1712 'was one of several political measures designed by the Jacobites to weaken the Church', and that its results were mischievous; and yet he incessantly sneers at those who were most active in opposing the evils attendant on patronage. Erskine seceded from the church after uttering a firm and dignified protest. Gillespie, deposed for refusing to take part in a forced settlement, continued the exercise of his sacred office, without any desire to found a sect. He was joined by others, and in course of time the Relief Church, as it was called, came to number 113 congregations. Mr. Mathieson speaks of Erskine as going forth 'from the polluted temple, and slamming the door, as it were, behind him in his noisy demonstrations of wrath'; and he says of Gillespie that 'he might have continued to revolve in obscure

isolation through the ecclesiastical firmament, had not another erratic particle happened to cross his path'. The whole tone of our author's references to dissent in Scotland is quite unworthy of an historian. The fact that in 1763 some students in the Secession Divinity Hall were rebuked for affectation in style and for the use of pompous rhetoric, is taken by him as showing that, 'if traces of incipient culture were not unknown amongst the seceders, they were promptly suppressed'. As a matter of fact that church required all its students to pass through a complete university curriculum before entering its Divinity Hall, and the training they received at the latter was fully equal to that given anywhere else in Scotland at the time. The lectures, we may say, were for long given in Latin—a fact which has some bearing upon the question of the scholarship of professor and students.

JOHN WILLCOCK.

William Pitt and National Revival. By J. HOLLAND ROSE, Litt.D.
(London : Bell & Sons, 1911.)

IF ever the private life of a man became merged in the public life of his time, it was in the case of the statesman who became chancellor of the exchequer at the age of twenty-three, and prime minister before he was twenty-five; whose whole energies were given to his country, and who died, heart-broken over public troubles, at the age of forty-seven. Of the inner life of the younger Pitt there is perhaps little to add to the picture given in Lord Rosebery's masterly monograph; but of him, as minister, and especially as holding the strings of foreign diplomacy, few can speak with the authority of Dr. Holland Rose. In this state of things the most fastidious may forget some idiosyncrasies of style, which otherwise might seem out of place in the biography of a great orator, and confine themselves to the general lessons to be drawn from the volume. Assuredly the moment is singularly opportune for a new life of Pitt, based on contemporary material. Mr. John Fortescue, in his *History of the British Army* and, more recently, in his brilliant Ford Lectures of 1911, writing from the point of view of the military expert, and perhaps under some bias against the system of parliamentary government of which Pitt was the incarnation, has left an impression on his readers and hearers that this much-vaunted pilot may have been after all a somewhat over-rated person. It is true that Mr. Fortescue is only concerned with the conduct of the war against France, and that the present volume closes at its eve. Nevertheless the years here dealt with conclusively show the quality and the methods of Pitt's statesmanship.

Dr. Holland Rose is no mere partisan writing under the prejudices of the devout hero-worshipper; it is the more satisfactory to find that Pitt's reputation emerges from his exhaustive investigations with undiminished lustre and dignity. The figure is, indeed, lacking in charm, as was to be expected. A dignified and conscientious opportunism is the key-note to his attitude to such questions as Parliamentary Reform and the Slave Trade; as it was, in later years, the key-note to his attitude towards Catholic Emancipation. Bred, almost born, in the atmosphere of parliament, such a catastrophe as the French Revolution seems hardly

to have interested him, beyond the immediate effect of each move upon the chess-board of European diplomacy or British politics. But it was in this very quality of absorption in the immediate need that lay Pitt's strength as the embodiment of parliamentary government. The first subject in which he showed his mettle as minister was retrenchment and the restoration of the national credit. Dr. Holland Rose clearly proves that the feature in his sinking fund which has been generally fastened upon to cover it with ridicule did not of necessity belong to the original scheme. To borrow at a high rate of interest, in order to gain the advantage of compound interest was indeed the height of folly; but during the years of peace the establishment of the sinking fund enabled the national debt automatically to be reduced by some eleven millions. 'Faith,' moreover, 'in the sinking fund buoyed up British credit at a time when confidence was the first essential of the public safety.' Of still greater efficacy were his reforms of methods of taxation. Pitt has been severely criticized for the condition of the army and navy at the time of the outbreak of war, but it must be remembered that the improvement in British credit between 1784 and 1793 was a national asset worth several regiments; and in fact during the years of peace Pitt 'devoted much care and thought to the navy'. He cordially supported Sir Charles Middleton's efforts after reform in the administration of the dockyards. More work was got out of them; 'and twenty-four new sail-of-the-line were forthcoming from private yards in the years 1783-90. Thus, by the time of the Spanish war-scare in 1790, ninety-three line-of-battle ships were ready for commission. The crises of the years 1786-8 had also been so serious that they might speedily have led to war had not Britain's first line of defence been invincible.'

With regard to Pitt's treatment of Warren Hastings, which has been the theme of much criticism, Dr. Holland Rose is able to call in aid, besides the testimony of Wilberforce—'He paid as much impartial attention to it (Hastings's case) as if he were a jurymen,'—an unpublished letter of an experienced politician, William Pulteney, who wrote to Pitt, 'I cannot abstain from congratulating you on the line you took on Tuesday. It will do you great credit everywhere, but, what you will always think of more importance, I am convinced it will have the most salutary effects in every part of this great empire, and particularly in India.' Whatever the rights of the matter, there is no reason to doubt Pitt's honesty in voting against Warren Hastings on the Benares charge. The story of his attempt in 1785 'to give Ireland an almost unlimited communication of commercial advantage' in return for a proportional contribution 'to the common exigencies of the empire', wrecked by Whig appeals to the jealousy of British merchants and to the suspicions of Irish factions, is told with fullness and vigour; and Dr. Holland Rose well brings out the interest taken by Pitt in the foundation of New South Wales and in the Canadian Constitutional Act of 1791. In belittling the influence of Sir Joseph Banks on the choice of Botany Bay for the new convict settlement, Dr. Holland Rose seems to forget the latter's evidence before a parliamentary committee in 1779; nor will many be found to agree with the opinion that Australia might have been more economically developed

by the emigration thither of United Empire Loyalists. With Canada and Nova Scotia before them, why should these have preferred the unknown terrors of New Holland ? and those of them who were in London were probably, for the most part, unsuited for the rough life of a pioneer. With convicts to carry out the preparatory works, something might have been done in the way of introducing a higher type of immigrant ; but in all probability New South Wales could not have been thus strengthened without loss to Upper Canada and New Brunswick. In the case of the Constitutional Act Dr. Holland Rose shows the falsehood of the statement sometimes made that the two provinces were created in order, by fostering mutual jealousies, to prevent rebellion. Pitt, who was the pious son of the great champion of American liberties, was in his element in giving to the two Canadas representative institutions ; nor can he be blamed for the subsequent complications which made the original gift to appear, in the discord between the provinces and in the absence of responsible government, a doubtful blessing.

It is, however, in the field of foreign politics that Dr. Holland Rose is most at home ; and here he brings out conclusively the success which, in most cases, attended Pitt's conduct of negotiations. Papers here published clearly show that the statement of Mr. Grant Robertson that until 1787 Pitt remained indifferent to foreign policy is open to question. Witness the masterly instructions to the British ambassador at St. Petersburg, drawn up in Pitt's own hand, in October 1784. It is impossible to follow the narrative without recognizing ' the qualities of foresight, tact, and determination,' which surmounted the Dutch crisis and brought about the Triple Alliance. ' If we remember the state of woeful isolation of England up to the summer of 1787, the contrast in her position a year later is startling. It came about owing to the caution of Pitt in a time when precipitate action would have marred everything. His wise delay in the early stages of the Dutch crisis, and his diplomatic coyness in the bargaining with Prussia, are alike admirable. The British envoys Ewart and Harris were men of unusual capacity and courage ; but then, as now, success depended mainly on the chief ; and it has been shown that the guiding hand at Whitehall was that of Pitt.' The result of the conference of Reichenbach, in 1790, marks the triumph of Pitt's policy of the maintenance of the *status quo*. He was equally successful with Spain in the affair of Nootka Sound. In passing, it would seem that Dr. Holland Rose overrates the capacity and importance of Spanish statesmanship at the time of the war of American independence. The impression left on the mind by reading the dispatches published in Doniol's *L'Histoire de la Participation de la France à l'Établissement des États-Unis d'Amérique*, is that Spain was at this time a very weak, as well as troublesome, ally.

It was doubtless the confidence born of these diplomatic victories which led Pitt to embark upon the ultimatum to Russia, the withdrawal from which has received far more attention from historians than have his previous successes. Dr. Holland Rose deals very fully and impartially with Pitt's rebuff. It is manifest that it came about through the duplicity of the Prussian statesman, Herzberg, who gave Catherine secret encouragement whilst ostensibly he was acting with Great Britain. Pitt may well

be blamed for not resisting Frederick William's appeal of 11 March 1791, in the face of the evidence of Prussia's equivocal proceedings, a mistake which was due to his own excessive optimism and to that of his diplomatic advisers; but that he was wise to beat a retreat when evidence of the real isolation of England accumulated cannot surely be doubted. Profoundly moving is the picture drawn by Ewart, the British ambassador at Berlin, of the proud and impassive minister, justifying his retreat on the ground that he would not have been able to carry a vote of credit by a majority of the house of commons, and that his resignation in the existing circumstances would 'make it certain that confusion and the worst of consequences might be expected, and it would be abandoning the king. . . . Repeating, even with tears in his eyes, that it was the greatest mortification he had ever experienced, he said he was determined not to knock under but to keep up a good countenance.' Whatever may be thought of his apologies, there can be no doubt of the wisdom of Pitt's assertion, in a letter to Ewart of 2 September: 'In the singular and uncertain state of Europe our chief business must be to watch events and keep ourselves quiet.'

Our own belief is that Pitt was actuated by patriotism, and that he did not, in the words of Mr. Grant Robertson, 'attach more importance to the retention of office than to the maintenance of his principles;' but in any case, compared with the general European situation, the private motives of even the greatest statesmen sink to insignificance. In the picture here drawn of the tortuous and mean methods of the various courts of Europe we find some explanation of the triumph of the French Revolution. The fires of that cataclysm were necessary to cleanse the back-alleys of European diplomacy. But, as Englishmen, we may claim without boasting, that one Power stood for the *status quo*, and for the maintenance of the rights of the lesser peoples, and that this policy found its embodiment in the statesman, who, in the years of peace, had already taught Europe to save itself by the example of England.

H. E. EGERTON.

Briefe von und an Friedrich von Gentz. Herausgegeben von FRIEDRICH CARL WITTICHEN. I, II. (Munich: Oldenbourg, 1909, 1910.)

THE late Paul Wittichen, who had long been engaged in bringing together materials for a literary desideratum of all but the first order—an adequate biography of Gentz, whose real title to fame is that he was one of the chief factors in the overthrow of that Napoleonic régime which was the direct offspring of the French Revolution—died in May 1904. The support afforded to his enterprise by the Wedekind foundation at Göttingen was hereupon transferred by it to his brother F. C. Wittichen, who died in 1909, while he was seeing through the press the earlier of the two volumes now under review. With the continued aid of the mother of the two brothers, Frau Wittichen of Marburg, their undertaking is now being carried on towards completion, and the first two volumes of a contemplated series of four is now actually in our hands. It should be pointed out that from the first the plan of this publication has not been to print all the

letters of Gentz; of these, his correspondence with Johannes von Müller and Adam Müller, his letters to Pilat, and many other of his letters have already been printed by divers editors and in various kinds of framework. It was rather to supply material that was either new or not easily accessible; and the volumes before us already show how large was the amount of such material, and how copious is the fresh light thrown by it upon successive stages in Gentz's long and, from some points of view, changeful career. Nothing better in its way could be desired than the introductions which precede each of the series of letters included in these volumes; while both the notes, so far as I have been able to test them, and the indexes seem likewise exemplary in quality. But the series or groups of letters inevitably often overlap one another, and the elasticity of Gentz's intellectual, not to say moral, nature is thus obscured. Altogether, it is impossible to suppress a regret that so much labour should have been expended upon a preliminary compilation of biographical material; and that this should not have been accompanied by, if it was not actually incorporated into, what might have proved the desired monumental biography. Such seems, indeed, to have been the design of the elder Wittichen, who actually printed three detached chapters of his intended biography, while both he and his brother had contributed various papers on particular aspects of the political and literary activity of Gentz, or on criticisms of him, to periodical publications.

The first of the successive series of letters contained in these volumes stands apart from the rest, in so far as it brings before us Gentz at a stage in his life when he was still but little concerned with politics. They belong mainly to the years from 1785 to 1787, in the earlier of which (called by the young man 'the golden year' of his life) he entered the public service at Berlin. A portion of his letters to 'Elizabeth' has already been published; and not a few of them have found their way into the appendix of a volume of reminiscences put forth by the lady to whom they were addressed, though, in this odd compound of fact and fiction, most of them are ascribed to an imaginary count, for whose portrait another adorer supplied the leading features. At the time of Gentz's intimacy with Elizabeth von Staegemann, to call her by her subsequent name, she was living as the wife of a government official named Graun, a son of the well-known composer, at Königsberg, where Gentz was studying law, as well as philosophy under Kant. The relations between 'Gentze' (so he usually signs himself, apparently in deference to the usage of the French colony at Berlin, to which, however, he only belonged by maternal descent) and his adored 'Graunin' are typical of the most pronounced species of late eighteenth-century sentimentalism, of which the author of the *Nouvelle Héloïse* was the major, and 'Ossian' and Young were minor, prophets, and which was never really happy except when playing with fire. Gentz, as the philosopher and friend, rather than the lover, of Elizabeth, preached to her cheerful resignation as towards her husband (with whom she was not happy), gentle consideration as towards her admirer Le Noble (whom she wished to keep at a distance), and absolute sincerity of intellectual communion as towards himself (who was engaged to a young lady of her acquaintance). Though in the end Gentz's engage-

ment was broken off and Elizabeth was divorced from her first husband, the relations between the correspondents were perfectly 'platonic'; nor did he make her an offer of marriage on his own behalf till he was himself a married man and therefore in every sense belated. A curious letter, which bears no date but seems to belong to the period 1789-90, seems to show that about this time he came forth from a more ordinary psychological crisis stronger in both will and intellectual fitness; and in the second series of letters contained in the first of these volumes, we find a man who, though still with some traces of juvenility, is beginning to understand himself and his task in life.

The second group of letters printed here consists of those written by Gentz in the years 1789-91, with a few of later date, to Christian Garve; unluckily, what might prove to be the most interesting portion of their correspondence remains at present undiscovered. Garve's popular philosophy, and the clear and pleasing style in which it is conveyed, gives him a permanent place in the history of German culture; moreover, he did some good public service by historical and political writings which connect the remembrance of the reign of Frederick the Great with the early progressive endeavours after the death of his successor. With Garve Gentz was brought into contact through his paternal connexion with Breslau, where the former was settled as professor, and whence Gentz induced him to pay a long visit to Berlin for an ophthalmic cure. These letters are interesting as material for a history of Gentz's political opinions, inasmuch as they indicate, rather than exhibit, the transition from an enthusiastic confidence in the success of the French Revolution in December 1790 to a convinced detestation of the 'hellish tyranny' of the 'accursed' revolutionary government in April 1798. The earliest essay ever published by Gentz (in the *Berliner Monatsschrift* of April 1791) discussed 'the origin and the supreme principles of law', and was a defence of the *droits humains* against an attack by Justus Möser. The process of Gentz's conversion was hastened, if not determined, by Burke's *Reflections*, which, though published nearly six months earlier, did not come into his hands till about the middle of April 1791, as he very wisely refused to read translations. He then wrote to Garve:

Certainly this man deserves to be heard, as all those deserve who possess a mastery over speech. However much I am opposed to the principles of this book and to its conclusions (but I have not yet quite finished it) I read it with infinitely greater pleasure than a hundred shallow eulogies of the Revolution; indeed, I would always rather listen to the opponent of my favourite opinions, if he is worth anything himself, than to a defender of them.

In the present instance this openness of mind, which helps to explain Gentz's unsurpassed success as a publicist, resulted in his bringing out, in 1793, a translation of Burke's great tract—the translation being itself distinguished by evidence, in the notes, of a thorough knowledge of the subject, as well as by an admirable style. In the following year appeared Gentz's translation of Mallet du Pan's work on the French Revolution, of which Gentz had now become a declared adversary. Few statesmen can have followed the course of the movement—whether under its general aspects or from the special point of view of economy and finance—

with so close an attention as was devoted to it by the young Berlin official. It seems strange that the *History of the French Revolution*, with which he was at this time occupied, and of which five volumes, with an index, in manuscript, are stated to be in the possession of the editor of this correspondence, should remain unpublished. A sufficient biography founded upon the material now brought together could hardly fail to reawaken such an interest in him as would justify the publication of this early work. Gentz writes in 1798 that, when his official work allowed, he devoted two days in the week exclusively to the reading of newspapers and to excerpting or classifying their news—working regularly on five large French journals, besides a number of German, Dutch, and English papers. The labour expended by him upon his researches was enormous and his enthusiasm unbounded; in 1802 we find him writing that it is ‘a misfortune to have been a political writer in the days of the French Revolution. It makes the work now seem insipid, and oneself feel like an extinct volcano.’

Gentz's correspondence with Karl August Böttiger, which makes up the last of the series included in the first of these volumes, shows him hard at work as a political student and writer; but it covers so large a span of years (from 1795 to 1810) as to afford strong proof of the disadvantage of the method of arrangement adopted by the editors. Böttiger, best known as the author of *Sabina*, the prototype, on a smaller scale, of *Gallus* and other productions of a similar kind, was a polyhistor of extraordinary capacity, and editor of a large number of journals of various sorts; he was a literary personage of some importance in his day, though he neither stood on the heights, nor cherished much sympathy for their occupants. At Weimar, where he long resided, he ultimately fell out with Goethe and Schiller; it is, as may be said in passing, not creditable to Gentz that he should have accepted Böttiger's opinion of *Faust*, when first published as a ‘tragedy’ in 1808. Böttiger was subsequently transferred from Weimar to Dresden in the characteristic capacity of superintendent of the studies of the court pages (*Pagerie*); but it was from and in the former capital more especially that his knowledge of books and periodical literature had been of constant service to Gentz.

In the earlier period of this correspondence Gentz was still a Prussian official, and has much to say about the administrative changes consequent upon the accession of Frederick William III. For a time it seemed as if the conduct of affairs would fall enduringly into the hands of Anastasius Mencken, a politician of real mark, who was possessed of something of the independence of mind and fearlessness of spirit which were to mark his famous grandson, Bismarck. Gentz, whose views in favour of the prevention of war were approved by the new king, though the latter could hardly but resent his audacity in offering good advice on things in general in a letter addressed direct to the sovereign, missed the opportunity, if he actually desired it, of obtaining a subordinate ministerial post. He was growing tired of office work under an exacting chief, and his repugnance against the policy of neutrality which Prussia continued to pursue, and which in the years 1799–1801 he opposed in the *Historische Journal* set on foot by him, heightened his dislike of his

position at Berlin. He was not content with Berlin society, though he afterwards regretted the loss of it; nor was he likely elsewhere to find friends and acquaintances such as those to whom he had here owed much intellectual stimulus—such men as Ancillon, and above all Wilhelm von Humboldt, for whom he entertained a deep regard, though it was varied by censorious outbursts.¹ It is also obvious from his letters to Brinckmann noticed below that he was on terms the reverse of cordial with the Jews in Berlin society, and with what he calls the ‘indirect Jews’ of the world of learning and letters. Notwithstanding his intimacy with the ‘little Levy’ (Rahel), his gibes against those of her race were incessant; and it can hardly be anything but a jest when he represents himself as having, in 1801, been appointed chairman of one of the commissions of supervision to which the Berlin Jews were subjected. Finally, private difficulties, which may be passed by here but which ended in his divorce, contributed to make a change of residence desirable, and in 1802 he quitted Berlin in order finally to establish himself at Vienna. Before he actually settled down there, he, in the winter of 1802–3, in the company of Sir Hugh Elliot, paid a visit to England, where he was welcomed both by the leading statesmen and by the public press as (to quote *The Courier*) ‘the ablest defender of England and the greatest political economist in Europe’. His position in the political world was thus nearing its height, and if ever a man of the pen can be said to have rivalled the ‘grand style’ of the rulers of states or the leaders of fashion, it was Gentz in the remaining part of his life, and more especially during the progress of the great European struggle *cuius pars magna fuit*. He had renounced ordinary journalistic or other literary work for the great occasions on which the services of his pen were in demand—services paid in fair proportion to their importance, but never, it has been justly said, venally rendered. Early in 1810 we find him informing the publisher Perthes that Napoleon had changed his opinion of the character of the opposition carried on against him by his persistent assailant, and had prohibited all reviling of him in the French or philo-French papers.

Three-fourths of the second of these volumes are occupied by Gentz’s correspondence with a Swedish man of affairs and letters, whose bust in bronze welcomes visitors to the Deergarden at Stockholm, and whose personality during the long evening of his life held a similarly prominent place in the regards of his countrymen. Karl Gustav von Brinckmann, the son of a Swedish court councillor, was trained for the trials of life in the Moravian school at Barby, where he had Schleiermacher for his classmate. Like the philosopher, although from a different point of view, Brinckmann was fain at an early date to throw off the shackles of his school discipline; his genius was, in fact, wholly antagonistic to the influences to which it had been subjected; even as a poet, though not out of touch with serious thoughts, he never imbued himself with them. On the other hand, he had a rare sense of the beauty of form and of the value of words: Goethe submitted to him for final revision the verse of his *Hermann und Dorothea*, and Gentz repeatedly extols and exemplifies his unequalled

¹ To W. von Humboldt Gentz is found applying Voltaire’s impious witticism, that if the Deity did not exist He would have to be invented.

aptness in quotation and in what was then in its way a fine art, the devising of mottos. But, notwithstanding his Horatian turn of mind, and though he had at Halle and elsewhere thoroughly saturated himself with German intellectual culture, Brinckmann elected to serve his apprenticeship as a clerk in the Swedish foreign office. On the death of Gustavus III he was delighted to be attached to the Swedish legation at Berlin, where he remained from 1792 to 1797 and, after an interval in the legation at Paris, from 1801-6. Thus his residence in the Prussian capital coincided with part of Gentz's busiest life there, and it seems hardly too much to say that the receptive Swede became the most devoted of the great publicist's personal friends, as well as one of the most congenial of his associates. Brinckmann is quoted as having, in 1816, told a friend :

We were all of us really Gentz's disciples, and all of us, not in obedience to the dictates of passion, but from pure, firm, well-founded conviction, became resolute anti-revolutionaries and champions of royalty—all, with the exception of the Humboldts, of whom the learned traveller regarded all politics as beneath his dignity, while the other was equally pleased to mock at king-makers and at republics.

Nor was it only in politics that Gentz and Brinckmann went hand in hand: their literary sympathies, their preference, at heart, for the classicists as against the romanticists, and their love of style for its own sake, formed an almost equally strong link between them. They equalled one another in their love of books; and nothing could be more amusing than the succession of exchanges and bargains in which Brinckmann's longer purse seems to have given him the advantage over his irretentive friend. Their love of the most select society and its refinements, their peccadillos, and their anti-Jewish prejudices, were among other points of agreement between them. Thus they remained intimates even after Gentz's departure from Berlin in 1802, mentioned above.

His correspondence with Brinckmann after that date, while it supplements his already published letters and diaries from almost every point of view, thus perhaps forms the most interesting section of these volumes. Towards this friend *eiusdem farinae* Gentz shows himself as he was, aware that his weaknesses hardly less than his successes, for he took some pride in both, were being detailed to an appreciative reader; his boastfulness as to his political influence, his social popularity, and his incomparable style here becomes a mere series of naive expressions. His story of his love for Amalia von Imhof, before whose charms he had fallen prostrate at Weimar and whom he here represents himself as having afterwards, practically, jilted, and his encouragement of his friend's infatuation for Pauline Wiesel, afterwards the mistress of Prince Louis Ferdinand of Prussia, flow with the same ease from his familiar pen. Of Brinckmann's letters (which, we may conclude, were more self-contained), there are few till near the close of the correspondence; an elaborate and extremely well-written comparison between the intellectual genius of Germany and that of France, written by Brinckmann in 1807 at Memel, where he was in attendance upon the half-exiled Prussian court, was not sent by him to Gentz till seven years later. The accomplished Swede's later fortunes,

which included his service as minister in London from 1808 to 1810, must not occupy us here; he survived till 1847.

Gentz's life at Vienna from 1803 to 1805, and during the period of 'emigration' which succeeded the catastrophe of the Third Coalition, is, as observed, largely illustrated in this correspondence. During these years, though enjoying a title and a salary bestowed by the emperor, he was not, technically, any more in the Austrian service than he was in that of Great Britain; it was, he declared, 'the cause,' rather than any particular power, which he served. Yet his position was so unique; his knowledge was so varied, so thorough, and so readily at his command; his power of apprehending the political situation and of influencing it when he put pen to paper for *mémoires*, expositions, or prefaces, was so universally acknowledged; and his social talents were so striking—he seems, when as he says he 'became warm', to have spoken with the same ease and eloquence with which he wrote—that he was speedily admitted into the most exclusive circles of what claimed to be the most exclusive society in Europe, and could afford to cast off, with a scorn that sits unpleasantly even on him, the Jewish props which had supported him on his entrance into Viennese life. Yet that which really, in these most strenuous years of his life, stood him in stead above all other aids, was the indomitable strength of will which constitutes the one element in his character and conduct that approaches greatness. Not only was he thus enabled to contribute more perhaps than any other of his compatriots to keep up the struggle against Napoleon and against the Napoleonic idea as the offspring of the revolutionary; but his boast was not vain that, among the supporters of the cause of Resistance in the world of letters, not a single one had proved a deserter except Johannes von Müller. This eminent man, with all his learning and all his talent, there was no trusting; and, in a curious passage, Gentz speaks of having talked him out of writing a History of Frederick the Great, while leaving him to go on with his *History of the Swiss Confederation* as much as he chose.

Of the statesmen with (rather than under) whom he worked at Vienna, Gentz was, as is known, better inclined to Stadion than to his rivals; even among the archdukes he learnt before long to discriminate, magnifying the respectable qualities of Archduke John to the disadvantage of those of Archduke Charles, his military talents excepted. Among the diplomatists his chief intimates were the Swedish minister, Baron Armfelt, and the Russian Count Nikita Panin, then out of employment. Of his relations with Metternich of course only the earlier stages are here to be traced. His earliest mention, in 1803, of the future chancellor as a person of charming manners and cultivated intellect has an almost patronizing air; in 1804 he playfully reflects on the prince's indolence at Berlin; but already at the close of this year he sends him a deferential message. In 1811, by which time Metternich had assumed the direction of foreign affairs at Vienna, Gentz dwells complacently on the confidential relations between them, and is in answer to his pressing invitation preparing once more to take up his residence permanently at Vienna. Even then he could hardly have realized that—though in a fashion which might not at the same time have seemed acceptable to him

with his strong anti-Russian leanings—his ‘programme’ was in the end to triumph. So it is in politics; and, after Gentz became more and more of a working wheel in the state-machine, he had, during his long co-operation with Metternich, more and more to learn the necessity of compromise.

The last of the series of letters contained in these volumes—Gentz’s correspondence with Adam Müller—merely supplements that already published, and adds little to our knowledge of a genius, one of the most curious products of the Romantic movement, for whom and whose paradoxical metaphysics Gentz had conceived an enthusiastic regard, perhaps in part due to the fact that their natures were, in a sense, supplementary to each other. So far as Gentz’s own life and development were concerned, these letters interest us chiefly from two points of view—the first, the feeling of *Heimweh* which Gentz felt for Berlin after he had quitted it, so much that he even contemplated a quasi-incognito sojourn there; the second, that, though he never, like Adam Müller, became a convert to Rome, his sympathies were Catholic in so far as he became thoroughly antagonistic to the principles and processes of the Reformation. Stronger than his power of critical analysis, stronger than his intellectual interest in whatever was progressive and illuminating, stronger than the disintegrating and decadent tendencies of his self-indulgence, which even the correspondence with Adam Müller, the friend of his soul, illustrates, was the conservative element in his volition. Of this he was himself aware in his most lucid introspective moments, and it inspired his finest writings and the most signal efforts of his life.

A. W. WARD.

Lectures on the French Revolution. By JOHN EMERICH EDWARD DALBERG-ACTON, First Baron ACTON, D.C.L., LL.D. Edited by JOHN NEVILLE FIGGIS, Litt.D., and REGINALD VERE LAURENCE, M.A. (London: Macmillan, 1910.)

ALL who have written on the French Revolution know the extreme difficulty of the subject. So complex were the forces at work, so crowded were events, so enormous is the quantity of material, that no one has yet been able to produce a really satisfying narrative. The present volume of lectures aims at a political sketch of the Revolution. Military and diplomatic history, local episodes, personal adventures, pathetic or terrible incidents of every kind have been strictly subordinated to the development of political ideas and institutions. Even so it has been necessary to make sacrifices. Much that was important for Lord Acton’s purpose he was compelled to leave out. Much he had to compress with some loss of clearness. Often he had to omit the grounds for a conclusion. Nevertheless, these lectures are not unworthy of the author’s high reputation. They are the outcome of immense knowledge kept well under control. They are conspicuous for vigour and grasp. As in Lord Acton’s other writings, the style, though not faultless, seizes and holds our attention. Lord Acton’s work is seldom easy to read, and it is always difficult to criticize, for it is crowded with points which arrest attention and often provoke dissent. He expressed himself with a downright energy, unusual in men who have

read and reflected so much, and this warmth sometimes appeared to lead him into inconsistency. The enthusiastic love of liberty, the strenuous determination to be just, and the rigorous adherence to a definite moral standard, so conspicuous in everything else that he wrote, are equally unmistakable in these lectures.

They must not, of course, be judged as a complete and symmetrical epitome of events from the meeting of the States-General to the close of the Convention. Had the author lived to recast them for the press, he might have proportioned the work differently. In the first and second lectures he discusses the intellectual causes of the Revolution. About one-third of the course is occupied with events between 5 May and 6 October in 1789. Thenceforward the narrative becomes less continuous and more sketchy. The policy of Mirabeau, the civil constitution of the clergy, and the flight to Varennes are discussed at some length. The fall of the monarchy, the Jacobin domination, and the reign of terror are in comparison slightly treated. Events from the death of Robespierre to the end of the Convention are dismissed in a few pages. The appendix on the literature of the Revolution, fragmentary though it be, is one of the most attractive portions of the book, and contains some surprises.

An adverse critic of the first and second lectures might urge that they put too much stress upon the influence of American theory and action, and too little stress upon the course of thought in Europe, more especially in France itself. Possibly a certain distaste for French philosophers of the eighteenth century contributed to this result. Concerning the writers who did most to prepare the Revolution, Lord Acton says: 'All these fractions of thought were called liberal; Montesquieu, because he was an intelligent Tory; Voltaire, because he attacked the clergy; Turgot, as a reformer; Rousseau, as a democrat; Diderot, as a freethinker. The one thing common to them all is the disregard for liberty.' This sweeping judgement seems unfair, since each of these men valued some kind of liberty, if not liberty in general. Indeed, Lord Acton himself says, a few pages later, that the French had been called to the enjoyment of freedom by the national classics, who declared with a hundred tongues that all authority must be controlled, that the masses must be rescued from degradation and the individual from constraint. Whatever their demerits, masters of the French language must have wielded more influence in their own country than American publicists, whose works very few Frenchmen could read. Again, these lectures give no adequate space to the rationalist and anticlerical movement in the eighteenth century. Lord Acton merely says: 'As religion was associated with cruelty, it is at this point that the movement of new ideas became a crusade against Christianity. A book by the Curé Meslier, partially known at that time, but first printed by Strauss in 1864, is the clarion of vindictive unbelief; and another abbé, Raynal, hoped that the clergy would be crushed beneath the ruins of their altars.' However much the secularist character of the Revolution may have been exaggerated by some historians, the subject deserved fuller treatment, even where space was so precious.

When he comes to the story of the actual Revolution, Lord Acton's judgements upon its chief personages are always individual and striking.

While severe on the faults of Louis XVI, he seems a little to overrate the king's reforming energy. In the remarkable list of concessions made by him (p. 44) are some items of which Louis probably did not grasp the significance, and others which he rather allowed than approved. Malouet Lord Acton declares the most sagacious and high-minded statesman of the Revolution. Sieyès he describes as the most original of the Revolutionary statesmen and the most perfect representative of the Revolution. He compares Sieyès to Bentham and to Hegel for sustained power of consistent thinking, and adds that no modern writer on politics equals him in invention and resource. This eulogy seems overstrained. How many philosophical ideas had Sieyès that were really his own? Of all his constitutional devices can we point to any which worked well or became a lasting part of institutions? Mirabeau's talent Lord Acton freely admits, while recoiling from his political immorality. 'His ultimate policy was one vast intrigue, and he avowedly strove to do evil that good might come. . . . There was at no moment a prospect of success, for he never had the king or the queen for one moment with him' (p. 157). Lord Acton allows that Danton was one of the strong men of history and a thorough patriot, adding with some exaggeration that he made the greatest change in the modern world, for it was he who overthrew the monarchy and made the republic. Yet Lord Acton says elsewhere that with Danton and his following we reach the lowest stage of what can still be called the conflict of opinion, and seems to think Robespierre, nay, even Marat, less hateful.

Perhaps the most valuable portion of the lectures is that devoted to the debates on the first constitution. Lord Acton is generous to the National Assembly. Unlike Taine and Burke he describes its members as the very cream of the upper and middle classes. He is in sympathy with its aspirations and with what other historians have deemed its foibles. Even the Declaration of Rights he justifies; for the extinction of privilege involved a declaration of rights. And although he criticizes its formulas, he declares that this single page of print 'outweighs libraries and is stronger than all the armies of Napoleon' (p. 107). Lord Acton also analyses more clearly than any English writer had yet done the various modes of thought prevailing in the Assembly and the policies of the different leaders. Swayed possibly by his fervent admiration for federation, he dissents from Tocqueville's view that the Revolution completed the unifying and centralizing work of the monarchy. 'It is more true to say that the original and essential spirit of the movement was decentralization—to take away from the executive government and to give to the local authorities' (p. 157). No doubt there is much in the Constitution of 1791 to support this view. But that Constitution, the product largely of academic theory and still more of distrust for the king, did not last. Lord Acton quotes Mirabeau's remark that only by a federal system can liberty be preserved in a great empire, and adds that, if he were sincere in saying so, he deserves the place which he holds in the memory of his countrymen. But a people has no unlimited discretion as to its form of government, which is mainly an affair of history and of circumstances. That a federal constitution could have been established in France at any period of the Revolution seems hardly credible.

The passion for unity and uniformity breaks forth at every turn. The Jacobins and Napoleon instinctively realized its strength and were successful, while every attempt to make the provinces act for themselves ended in melancholy failure.

Even the civil constitution of the clergy Lord Acton does not condemn without reserve. 'The denial of papal institution was in the spirit of Gallicanism and the principle of election had a great tradition in its favour' (p. 170). 'The judgement of Italian divines was in many instances favourable to the decree of the National Assembly and the College of Cardinals was not unanimous against it' (p. 172). It was the office of the king to negotiate with the pope; and he might have saved, Lord Acton holds, the Revolution, the limited monarchy, and his own life, if he had negotiated wisely. 'What was conceded by Pius VII to Bonaparte might have been conceded by Pius VI to Louis XVI' (p. 172). Lord Acton considers that if the royal choice of bishops had been maintained subject to the advice of responsible ministers, much of the difficulty and danger might have been overcome. But the position assigned to the crown and the ministers in the constitution of 1791 was such that the Assembly would never have agreed to give them a voice in the matter. On the other hand, Lord Acton describes the disendowment of the church as the principal cause of the civil war and the reign of terror. Can such a statement be justified? Disendowment seems to have been almost unheeded; it was surely the deprivation of non-jurors which inflamed catholic feeling against the Revolution. Indeed, Lord Acton seems elsewhere to admit that such was the case.

The later lectures become more and more of a brief epitome, and therefore contain less and less that is novel, although they are marked by some interesting criticisms of individuals and of parties, and by one or two questionable statements. Lord Acton is convinced that the chief outbreaks of violence in the Revolution, from the first burning of the châteaux down to the September massacres, were due, not to mere popular frenzy, but to calculating organization. There is probably a large measure of truth in this opinion. While he puts aside casuistic apologies for murder as a political expedient, he reminds us of what is also true, that crimes as bad as any committed by the Terrorists have been perpetrated by legitimate governments and in the name of Christianity itself. Of the Girondins he says: 'Excepting Buzot, and perhaps Vergniaud, they scarcely deserve the interest they have excited in later literature, for they had no principles.' The Jacobins, he remarks, had this superiority, that 'they fell back on a system which was simple, which was intelligible, and which the most famous book of the previous generation (the *Social Contract*) had made known to everybody' (p. 258). Lord Acton appears to count Lanjuinais among the Girondins, which is surely an oversight. Concerning the death of Louis XVI he tells a curious tale for which we can find no authority. Information was brought to Pitt that Danton would save the king's life for £40,000, but Pitt hesitated until it was too late. Pitt afterwards told Maret his reason for hesitating. 'The execution of the King of France would raise such a storm in England that the Whigs would be submerged' (p. 254). Even the best evidence for this story, were it Maret's own, would leave us sceptical. A wise statesman, though he may commit a base

action, does not inform others that he has done so. Besides, what motive had Pitt for this baseness? He did not want a war, and at that time he had no reason to fear the Whigs.

In discussing the causes of the European war Lord Acton seems unfair to England. He puts a somewhat perverse construction upon English non-intervention when he says that one power was sure not to adopt the Declaration of Pillnitz, namely, England, which was waiting to profit by French troubles. Of Pitt and Grenville in the negotiations preceding the war he remarks that they were so dignified that they were haughty, and when they were haughty they were insolent. But we must remember the systematic provocations offered by the French government, such as Monge's circular announcing an attack upon England. If England, as Lord Acton asserts, was drawn into the war by sordid motives, France had already conquered the Belgian provinces. Lord Acton himself has said elsewhere in these lectures that the famous decree of 19 November 1792 was really aimed against England. What he calls the new dogma, that a government which obstructs liberty has no right to exist, can be made to justify any attack by one state upon another. It was, he acknowledges, the true cause of the war with England and with other powers. No government, we should have thought, can be censured for bluntly repelling pretensions of this sort or for taking measures to hinder their being advanced in the future.

The appendix on the literature of the Revolution is full of good matter, often impressively stated. We might demur to the statement that the so-called doctrinaires of the early nineteenth century were of all men in the best position to understand the Revolution. But we must acknowledge the wisdom and benevolence of the following: 'Don't let us utter too much evil of party writers, for we owe them much. If not honest, they are helpful, as the advocates aid the judge; and they would not have done so well from the mere inspiration of disinterested veracity' (p. 373). Elsewhere Lord Acton observes that no man feels the grandeur of the Revolution until he reads Michelet, or the horror of it without reading Taine. His own instinctive preference is for historians more judicial and serene, like Droz, Tocqueville, or Sorel. Most instructive of these pages for the general warning they convey are the remarks upon the memoirs of contemporaries as material for history. To the inexperienced student such narratives seem evidence of the highest order; yet there is hardly any evidence which requires severer scrutiny.

This volume will remain a noteworthy addition to the very brief list of valuable works upon the French Revolution in the English language. None save the author could have provided adequate notes, and the editors have rightly abstained from retouching the text. One or two petty defects may be specified for correction in reprinting. A sentence on page 154, beginning 'It seemed reasonable', appears to us unintelligible. 'Bishop of Uzez' (p. 167) should be 'Bishop of Uzès'. For 'the Swiss survivors of the 4th of August' (p. 245) we must clearly read 'the Swiss survivors of the 10th of August'. Finally, the editors are to be reproached with the meagreness of the index.

F. C. MONTAGUE.

Les Négociations de Lille (1797). Par CHARLES BALLOT. (Paris : Cornély, 1910.)

A CAREFUL study of the negotiations for peace between Great Britain and France in the summer of 1797 was much needed. Though they led to no definite result, yet very much depended on their success or failure ; and as the good faith of Pitt in instituting them has often been called in question by partisan writers, it is well to have a thorough examination of all the evidence available. M. Ballot begins his work by a statement of the sources ; and they seem to me to be complete, except that he has not studied the Pitt manuscripts preserved at the Public Record Office, and containing several important letters of Pitt and Grenville which are necessary to an exhaustive statement of the case. I can testify, however, to the fact that they would only amplify, not seriously modify, the conclusions which M. Ballot has formed. He does well to point out the defects of some of the materials on which historians have previously relied. In the case of the Malmesbury Diaries, he notes the difficulty of distinguishing between extracts from the journal and the letters of the earl. He might also have noticed that the editor frequently omitted passages without notifying the same, and sometimes ran together two or three dispatches of the same date so as to form a single document. M. Ballot also criticizes severely, and I think justly, M. Pallain's editing of the *Correspondance diplomatique de Talleyrand sous le Directoire*, and rightly praises that invaluable collection 'The Manuscripts of J. B. Fortescue, Esq., preserved at Dropmore' (which he terms the *Fortescue MSS.*). In a note on page 318 he states that the official collection of dispatches which soon appeared at London was *très honnêtement faite*. In the course of his narrative he deals with the shortcomings of Thiers, Sorel, Sybel, and Sciout, rightly remarking (pp. 26 and 93 note) that Sorel delivered brilliant judgements on the diplomacy of the period, but lacked a thorough knowledge of the relations of France to the other powers. He might have added that nowhere is Sorel so little trustworthy as on British affairs.

It is quite correct to state, as M. Ballot does, that he has an almost unworked subject before him in attempting to show the relations of England to the other powers in the spring and summer of 1797 ; and his narrative in chapters iii-v brings out in strong relief the waverings of the Austrian court, the calculating egotism of the Prussian court, and the annoying aloofness of the tsar Paul. The efforts of Pitt and Grenville to infuse energy into the Habsburgs, to induce Frederick William of Prussia to take a broad and statesmanlike view, and to gain the friendly mediation of Russia, were therefore in vain ; and it is clear that the reckless and overbearing action of the Fructidorian Directors was the outcome of their conviction that they had a free hand on the continent. The early part of M. Ballot's narrative is the more valuable. The chapters dealing with the *coup d'État* of Fructidor are not sufficiently detailed to balance the chapters on the general diplomatic situation ; and more should have been said about the diplomatic changes resolved on at Paris immediately after that event, the consequent rupture at Lille, and the relation of that whole negotiation to that which was going on at Udine or Campo Formio with

Austria. The number of the *pièces justificatives* should also have been extended. But M. Ballot has brought forward additional proofs of the good faith of Pitt in the negotiation ; of his intention to make larger cessions than Grenville and Dundas approved ; of the importance of the part which the Cape of Good Hope played in the bargainings at Lille ; and of the sinister influence exerted by the Director Reubell. Everything tends to show that the Directory deliberately threw away the opportunity of signing an advantageous and brilliant peace. M. Ballot finally insists that France thenceforth entered on a phase of the war which was essentially aggressive in character : she now fought for supremacy at sea and domination in Italy and Germany.

J. HOLLAND ROSE.

The English Church in the Nineteenth Century. By FRANCIS WARRE CORNISH, M.A., Vice-Provost of Eton College. Two parts. (London : Macmillan, 1910.)

THESE volumes, completing the *History of the English Church* edited by the late Dean Stephens and Dr. Hunt, lay both the readers and the writers of history under a very considerable obligation to Mr. Warre Cornish. He has performed with no little success the often thankless task of the pioneer. It is no small matter to construct for the first time a consecutive and orderly narrative out of the scattered materials derived from biographies, debates and acts of parliament, law reports, periodicals, pamphlets, and other ephemeral sources. It is unnecessary to dwell on the difficulties which attend such a task, or to indicate the ways in which criticism, fuller information, a truer perspective, and the mere lapse of time are sure to modify its results. For the present it is sufficient to congratulate Mr. Cornish on the general excellence of his performance, and on the independence, impartiality, and sympathy which mark his treatment of the controversial subjects with which the period abounds. It is, perhaps, impossible to write a really adequate and satisfactory history of events so near to us as those with which he deals. And here the difficulty is accentuated by a special circumstance. Mr. Cornish has devoted, and rightly, a large space to the rise and progress of the movement which began with the tractarians, was continued by the ritualists, and may be described generally as catholic. But the history of that movement is not completed : we are still in the dark as to its ultimate significance and destiny.

Probably the chapter on the evangelicals is one of the least satisfactory. It is certainly difficult to produce a striking picture of a party which, as Mr. Cornish says, laid great stress on individual as opposed to corporate religion, and whose history 'must be chiefly biographical'. But we think that he makes too much of their unpopularity and lack of influence. A publication of 1817, which lies before us, gives a list of over fifty churches in the London area 'where the Gospel is reputed to be preached every Lord's Day'—in other words, which were in evangelical hands—and that at a date when the movement had by no means reached the limits of its extension. In this connexion some allusion should have been made to the various patronage trusts (the Simeon Trustees are

mentioned, but only in the account of their founder) which are of importance at the present day in keeping alive, if not evangelicalism in the old sense, at least what are generally understood as the principles of the Reformation. More important is the absence of recognition of the moral influence of the movement, which, from the very nature of evangelicalism, deprived of the adventitious aid of the senses, authority, and tradition, and relying only on the appeal to the individual soul, was probably much greater than that of the system which succeeded it.

The reform legislation, which began with the appointment of the Ecclesiastical Commission in 1835, and may be said to have concluded with the Benefices Act of 1898, has been of supreme importance to the church of England. By 1840 all the most crying abuses had been dealt with, and the church was set free to recover her position in the nation. The most successful achievement of this reform period was, no doubt, the permanent organization for managing the old episcopal and capitular estates, while the least successful was the series of measures dealing with ecclesiastical courts and procedure. The work of the Ecclesiastical Commissioners has been far-reaching, for they not only removed abuses, but, by their masterly management of the property entrusted to them, have been able to feed the revived activities of the church with a continued supply of funds for carrying on and increasing its work, and at the same time have stimulated the flow of voluntary contributions towards the same object. Mr. Cornish's treatment of the whole of this subject is excellent. He carefully explains the preliminaries and the actual effect of legislation, though he gives unnecessarily full details about abortive measures and the arguments of speakers in parliamentary debates. A few criticisms may be made. In discussing the abuses of pluralities and non-residence some account should have been taken, on the one hand of the numbers of the clergy, and on the other of the absence or dilapidation of parsonages. Some allusion might have been made to the returns given in answer to the Inquiries of the original Ecclesiastical Commissioners as to the amount of episcopal and capitular incomes, which are interesting as illustrating both the hostile attitude of the beneficiaries, and also what may be called the irony of time. With rare exceptions, these corporations took a pessimistic view both of the present and the future; and the words 'decrease expected' recur with the monotony of a common form. Among the most anxious to plead poverty were the capitular bodies of Durham and St. Paul's, the latter referring to 'the depreciated value of the Chapter Estates'—estates which even some years ago were producing over £100,000 per annum. This mental attitude recalls what Mr. Cornish tells us elsewhere (i. 170), that one of the arguments used to defend church rates was that, if they were abolished, 'the churches would fall into ruin.' As we look back over the past half-century we see that the ancient fabrics in many cases have positively suffered from the amount of money spent in 'restoration'.

In the case of the Oxford or tractarian movement the historian's task has been made easier by the work of previous writers, notably Dean Church. The chief defect at the present time is the lack of an authoritative life of Newman. Mr. Cornish's biographical sketches are among the

strong points of his book, and his account, and especially his criticism of Newman, whose reasoning 'is cogent by clearness rather than by breadth' (i. 297), is full, vivid, and satisfactory. With regard to the controversy over Tract 90, we may call his attention to an important letter (published in *The Month* of January 1903) from Newman to Father Coleridge in 1865, explaining his attitude towards the Articles :

The difference of opinion as to no. 90 between Pusey and myself has ever been this: that I thought such a Catholic interpretation of the 39 Articles a possible interpretation, and he thought it the true . . . one. . . . My view was this—'the compilers of the Articles intended the words they used to bear several senses, in order that Semi-Catholics, time-servers, &c., might avail themselves of them.' This in the compilers was dishonest; but, since it was their intention, I considered we might avail ourselves of it. . . . If I invent the interpretation, then I shuffle—if they meant it, they shuffled. . . . If the compilers were not shuffling, I am—and I don't intend to allow this.

Mr. Cornish's description of Newman's attitude in 1841 is hardly in accordance with this; but something is, no doubt, to be attributed to the detached point of view from which he looked at the past in 1865. It might well have been shown how widely Newman's principle of reading catholicism into the formularies of the church of England has been adopted by his spiritual descendants.

The successful treatment of the development and present position of the modern tractarians or ritualists was, undoubtedly, one of the most difficult and delicate problems which Mr. Cornish had to face; and, on the whole, he is to be congratulated on the courage, impartiality, and generosity with which he has confronted it. In fact, in his desire to be fair, he sometimes gives more credit than it deserves to the work of a party with which his sympathies clearly do not go, as when he talks of 'the army of Sisters in every English city', an exaggeration which not even residence within sight of Clewer can justify. On the other hand, there is hardly an allusion to the modern communities of clergy, two of which, at least, have attracted men of distinction, and must be taken more seriously at any rate than the attempt to set up an imitation of the historical Benedictine Order. We admire the skill which transfers to one of their own champions (the late Canon T. T. Carter) the odium of reminding the ritualists that at one time they were quite ready to accept and profit by the *obiter dicta* of the Judicial Committee of the Privy Council, and that 'it is hardly fair now [1874] to reject the very existence of the Court because the facts happen to be reversed' (ii. 115). But what we should like to see in these sections is a clear statement of a few fundamental issues which are rather ignored; such as whether the so-called Ornaments Rubric refers only to the Prayer Book of 1549, or whether it includes the ritual and ornaments in existence before that date. Before leaving this part of the subject we may note that Mr. Cornish, who has told the long story of the ritual prosecutions with clearness and fairness, has in his account of the Miles Platting case omitted the important sequel in which, the deprived rector (whose name, by the way, was Sidney F., not H., Green) having resigned the living to prevent the presentation lapsing to the bishop, the Queen's Bench Division upheld the bishop of Manchester in his refusal to institute the patron's nominee on the ground that he had reason to believe that this nominee intended to continue all the ritual practices of his predecessor.

The number of subjects dealt with in these volumes makes it impossible to touch upon any but the most important, and in conclusion we can only refer to a few points which occur to us. We have alluded to the merits of Mr. Cornish's biographical sketches. One of the best is that of Archbishop Tait, whom he calls 'the most remarkable prelate that had sat on the throne of Canterbury since the Reformation'—a verdict which will not be universally accepted. Tait was undoubtedly an imposing figure, but we cannot forget that he failed to effect a settlement of the great question as to the relation of the catholic party to the rest of the English church, and that, like his only less eminent colleague, Bishop Fraser, he lived to see the moral victory in the conflict remain with his opponents. In discussing the question of his successor it is surely going beyond the facts to say that Dean Church 'might have been archbishop if he had wished it' (ii. 349). Mr. Gladstone no doubt wished it, but the sovereign had still to be reckoned with. When so much space and care is given to the personalities of the last century, it is surprising to find no mention of Bishop Creighton, whose unique position in London certainly demanded some recognition. In suggesting various reasons for the spread of tractarian principles no stress has been laid on, perhaps, the most important of all, clerical training, which has fallen so largely into the hands of the high church party. The theological colleges are barely mentioned, and there is no reference to the work which is being done in the same interest by some of the communities of clergy. It would be desirable to give a more complete historical introduction to the subject of marriage with a deceased wife's sister, which is left unfinished with the Bishops' Report of 1883. The volumes appear to be carefully printed, but such errors as 1667 for 1687 (i. 175), and *legatus natus* for *datus* (ii. 365), are probably typographical.

G. McN. RUSHFORTH.

A History of the British Army. Vols. V and VI. By the Hon. J. W. FORTESCUE. (London: Macmillan, 1910.)

THE general tone of this instalment, covering the years 1803–8, is much the same as that of the previous volumes. We expect and find many good maps. We are not limited to a few campaigns or to Europe, but are taken to India and the West Indies, to the Cape and South America, to Egypt, also to such a small area of fighting as Capri. Thus we have a comprehensive view of many actions, and see how many problems distracted the successive ministries before attention was concentrated on Spain and Portugal. Mr. Fortescue attributes to the ministers rather than to the soldiers the failures which followed lack of concentration; the strength of the country was being frittered away in 1803–7, as it had been in 1793–5, by many small expeditions which did little to weaken Napoleon's power; even where success seemed probable, as in south Italy after Maida, there was no resolution shown, and in fact the country seemed not to be receiving full benefit from the naval superiority assured by the Great Blockade and by Trafalgar. Mr. Fortescue does, indeed, confess that the difficulties which faced Pitt and his successors were serious. Hearty co-operation on the mainland was impossible in 1805 and 1806 while Prussia thought

to secure Hanover for herself as the price of her neutrality, and Cathcart's expedition led to nothing but the recruiting to considerable strength of the King's German Legion; one cannot but think that a Marlborough would have made some use of the 25,000 British and Hanoverians collected in that winter on the Weser, but it was the period of Austerlitz, and Prussia had not yet mustered up courage to defy Napoleon, so that Cathcart re-embarked in February 1806. There was a fine opportunity to help the Russians after Eylau, and our sea power was such that a large force could have been up in time for Friedland, or at least could have distracted Napoleon. In the other direction where British influence could have been more strongly felt, namely, the Mediterranean, it was difficult to act with the worthless Neapolitan Bourbon. We wish that Mr. Fortescue had touched these questions more lightly. Acknowledging that neglect to help the Russians drove the tsar to make the treaty of Tilsit, that strength and energy were shown only when weak Denmark had to be disarmed, and that the expeditions to Rosetta and to Buenos Ayres were as ill advised as they were disastrous, we would rather have had less of politics and more of military history.

It is not to be supposed that the campaigns have been neglected while too much stress has been laid on politics; for instance, we have nothing of which to complain in connexion with the description of both the causes and the events of the Buenos Ayres expeditions. As said above, the great merit of this work is that we are taken to every part of the world where British soldiers were serving; and the failure in South America required and has received full treatment. What we regret is the absence of details which ought to be illustrated in a specialistic work, details as to the development of tactics and weapons. It is not really a history of the British army if the formation of light infantry and of rifle regiments is passed over. Tactical questions, indeed, might have been treated in vol. iv in connexion with Abercromby's Egyptian campaign. But there is one period in particular which is always associated with tactics and training, the period when the men who were later to show their worth in the Peninsula were being formed, namely, the years of the concentration on our south coast over against Napoleon's army at Boulogne. We are surprised to find no discussion in the 7th and 8th chapters of vol. v of the two-deep line, of the training of light infantry, of the rifle regiments, or even of the numbers or dispositions of the forces concentrated. This was the place to pause and tell us what can be discovered. But while these chapters are full of details of recruiting, and of militia and reserves, Moore's work is passed over.

As regards tactics, we are not disposed to accept the statement that the French were in column at Maida. Indeed, the generally accepted idea that the French habitually charged in column seems to come from a misconception. They advanced in such a formation, and often in fighting the quickly beaten Austrians had no need to deploy into line; the very deep column at Wagram was formed for a special purpose, as cavalry were threatening on the flanks. But they were beaten again and again by Wellington before they deployed, or as they were deploying, because he had so fine a power of hiding his lines behind the crest of a ridge, so that

the impression remains that they meant to charge home in column. For Maida in particular the available evidence is in favour of the French being in line. Mr. Fortescue quotes no authority but Bunbury for this battle, and Bunbury shows a line formation. At the same time he has not sanctioned a new theory, which, as far as we can find out, military authorities unanimously reject, that British successes against French charges were due to the larger number of skirmishers with which our generals covered their lines; normally a French voltigeur company was double the strength of a British light company, so that this theory must be wrong.

J. E. MORRIS.

The International Relations of the Chinese Empire; The Period of Conflict, 1834-60. By H. B. MORSE. (London: Longmans, 1910.)

THIS is an excellent book. It is valuable on account of its author's personal knowledge of his subject, his careful study of numerous authorities, and his genuine efforts to display impartiality. There are a few preliminary chapters, the first of which gives an unusually clear description of the governmental system of China; but about four-fifths of the stout volume, which contains more than six hundred pages, are devoted to the events of the years 1834-60, the 'Period of Conflict', as the author styles it. Mr. Morse has by no means been diffuse, and with praiseworthy self-restraint he has altogether refrained from dwelling with detail and colour upon picturesque episodes. But he has put together so great a mass of facts and attendant commentary—commentary, indeed, that is always instructive—that we fear the general reader will have some difficulty in getting through the book. The serious student, however, who has already some knowledge of Chinese affairs, and wishes thoroughly to understand the confused and intricate facts of this curious period, will find here a textbook from which he may learn more than he could from any other half-dozen works dealing with the subject.

At the present moment, when the question of the trade in opium is once more prominently before the world, one naturally wishes to see what Mr. Morse has to say about it. Opium as a medicine had long been known in China. In the seventeenth century the practice was introduced from Java of mixing it with smoking tobacco as an alleviative for malaria, and hence in time came the habit of smoking it alone. In 1800 an imperial edict was issued forbidding both its importation and its cultivation. This rendered necessary certain changes in the method of trade at Canton, where opium had for many years been imported by foreigners; but the Chinese authorities there kept their eyes sufficiently closed, and the foreign merchants still found it easy to dispose of the article. Twenty years passed away, during which the trade largely increased, and then quarrels among the Chinese officials themselves forced the Canton government to show more energy in its repression. The foreigners, however, were not to be balked, and, when other methods failed, at last began to smuggle by force. Large boats, owned or controlled by foreigners, carried the opium up the river from the ships, and there were frequent conflicts, in which firearms were employed, between them and the government preventive craft.

Beyond question, in forbidding the trade, the emperor and his advisers were influenced principally by their belief in the harm done to the smokers, of which they had already abundant proof. But there was an additional reason for preventing it, which was strongly urged by some. The tea and silk, which formed practically the whole of the exports at Canton, were not sufficient to balance the import of opium and other goods. Year by year, as the opium trade grew larger, more and more silver was sent abroad in payment, and there was a marked increase in the price of the precious metal throughout the Canton district. On the other hand, one great officer at Peking advised the legalization of the trade, on the ground that it could not be prevented and would be less harmful under proper regulations. But the opponents of the drug won. Finally, Commissioner Lin, a grim and determined man, was dispatched to Canton to put an end to opium smoking and opium importation.

In a short time all the foreigners in Canton, principally Englishmen, found themselves held as prisoners in the factories where they resided. They were not permitted to leave the place, and they were ordered to deliver up all opium held by foreigners in China or in Chinese waters. To make this command effectual stern measures were employed. All native servants were withdrawn, no letters could be received or sent, no food, water, or fuel could be introduced. No distinction was made between those who had carried on the opium trade and those who had never been concerned in it. In these straits Captain Elliot, the British superintendent, officially required all British subjects to surrender to him the opium under their control, in order that he might deliver it to the Chinese. Thus some 20,000 chests of opium, worth to its owners perhaps two millions sterling, were handed over and soon afterwards publicly destroyed. Among the prisoners in the factories were American, Dutch, and French merchants, who suffered the same restraint and privations as the British. But no opium was surrendered by them, as it was declared that all that had been in their possession was held on British account and had been included in that reported by Captain Elliot. When the news of what had happened reached England, the British government determined on reprisals; and the result was the so-called Opium War, which was opposed in parliament by the conservative party, as being in support of a vicious and demoralizing traffic.

The views of the British cabinet were plainly set forth in a dispatch from Lord Palmerston to the Chinese government, which is printed in an appendix to this book. In announcing the intended hostile movement, his lordship, while alleging in addition other grievances, laid stress first and principally on the forcible confinement of the foreigners in the factories at Canton. After pointing out that the laws against opium had been allowed to become a dead letter, and that the Chinese government had no eyes for the corruption of its own officers, he said that, nevertheless, Great Britain would not have complained if, after giving due notice of their altered intentions, the Chinese authorities had seized all smuggled opium which they could find in Chinese territory. But, he continued, instead of doing this, the government had suddenly imprisoned peaceable merchants and threatened them with death by starvation, unless other persons not

under their control would surrender a quantity of opium, some of which was not within Chinese jurisdiction: this opium was extorted as ransom for the lives of the British superintendent and merchants, and the British government demanded repayment of its value. Though the conflict was 'precipitated by events which had occurred in connexion with opium', Mr. Morse dwells on the fact that the general conditions were such as to render war sooner or later inevitable; and in this he is undoubtedly right. Without speculating on what would have happened if China had kept her coasts and ports closed to foreign vessels and merchants, it is plain that the admission of Europeans on such terms as the Chinese government granted to them could only have one result. We may mention the refusal of the Chinese to recognize any official representative of a foreign government, the corruption, the arrogance, and the arbitrariness of the Chinese officials, and the monopoly system, which compelled all trade to pass through the hands of one corporation, the 'co-hong', as it was called, upon whose action there could be no check. Nor must one forget the feelings of the British merchants themselves, who were not without influence at home, and who gradually realized more and more not only the weakness of their commercial position, but their political, social, and personal humiliation.

Nothing was said as to opium in the treaty of Nanking, which was arranged at the close of the war. After the treaty had been signed the British plenipotentiary suggested, without in the least pressing it, that China would be wise to legalize the trade, in order to be able better to control it and to draw a revenue from it; but the Chinese representatives dared not make the proposal to their emperor. Henceforward the opium trade went on merrily all along the coast. 'Each official,' says Mr. Morse, 'vied with his fellows in doing all he could to attract the traffic into channels under his own control.' This doubtless is accurate; but Mr. Morse more than once tells us that, 'to the Chinese, opium was the one cause of the war', and the Chinese authorities, we believe, were afraid that they would bring a hornets' nest about their ears if they made any attempt to interfere with it. In the year 1858, after a second war and a second treaty, when a new tariff was under discussion, Lord Elgin proposed that the trade in opium should be legalized. The Chinese negotiators made no difficulty, a moderate duty was agreed upon, special rules dealing with it were drawn up, and so, says our author, 'the great problem was settled.' But the opium question was *not* settled then. It is still with us, though fifty years have passed since that day.

There are many other topics in Mr. Morse's book which are well worthy of notice, but we are forced reluctantly to leave them untouched.

T. L. BULLOCK.

The Cambridge Modern History. Planned by the late LORD ACTON, LL.D.
 Edited by A. W. WARD, Litt.D., G. W. PROTHERO, Litt.D., STANLEY LEATHES, M.A. Volume XII: 'The Latest Age.' (Cambridge: University Press, 1910.)

THE concluding volume of the *Cambridge Modern History* will not disturb the impressions created by its predecessors. Their merits reappear.

We have before us the same remarkable compression of abundant details within comparatively small space, the same scrupulous accuracy, the same impartiality, and a breadth of view even more encyclopaedic than before. On the other hand, there is, of course, the same tendency to overlap, and here and there a certain dullness and want of colour in writing, from which such massive compendiums of history are hardly ever free. This last defect gives volume xii rather the character of a work of reference than of a stately masterpiece of thought and style. Mr. Leathes's remarkably able first chapter on modern Europe draws together threads of progress, that inevitably run at random in the later sections of the book. Several of these are heavy reading, though all are carefully written, strikingly well proportioned, and very useful. The bibliographies are perhaps rather unequal. For instance, authorities on Irish history fill three times the space occupied by the corresponding bibliography for Great Britain. The value, however, of this portion of the book is both great and permanent.

Turning to the chapters in detail, that of Mr. Leathes on Great Britain and of Mr. Dunlop on Ireland are both models of concise and dispassionate narrative. Professor Bourgeois deals with the third French republic. Professor Oncken's chapter on Germany is particularly interesting and suggestive. 'Life means struggle' is his deduction from recent German history, and he expresses the current German conception of public policy when he summarizes its latest phase thus: 'In view of her geographical and military position, set in the centre of the international constellation of powers, and impelled by the inward necessity for further development, this country is subjected to a stronger tension of conflicting forces than any other power, and therefore needs to put forth her strength the more effectively if she is to hold her own' (p. 173). Professor Eisenmann describes carefully the tangled politics of Austria-Hungary. Mr. Okey writes on United Italy with more vigour than most of his collaborators and with no less knowledge. The Low Countries are treated adequately by Mr. Edmundson, Spain and Portugal by Mr. Hannay, Scandinavia by Professor Stavenow of Göteborg. Russian affairs are dealt with by Professor Pares, whose personal views on Anglo-Russian relations are already well known and influential. Modern Egypt finds its historian in Dr. Sandwith, the Ottoman empire and Balkan peninsula in Mr. W. Miller, British India in Mr. Roberts, who pays unusual tribute to the merits of that much-abused viceroy, Lord Lytton. The large space devoted to Japan and China indicates one distinctive characteristic of 'the latest age'. It embraces chapters by Professors Douglas and Longford, and an important account of the Russo-Japanese war by Major F. B. Maurice, whose summary of the causes of Japan's success is excellent. Mr. Benians's sketch of the European colonies will be useful to practical politicians. Far less familiar to English readers are the themes dealt with in chapter xxi by Mr. Kirkpatrick and Señor Triana. Indeed, it is difficult to know where the student could hope to find a good account of the republics of Latin America elsewhere than in these pages. Sir Frederick Pollock's chapter on the modern law of nations is exhaustive; Mr. Whetham tries valiantly to picture the progress made in 'the scientific age' in twenty-five pages; modern explorations are ably discussed by Mr. J. D. Rogers.

There is more scope for personal opinions in the two remaining chapters of the book, Mr. Sidney Webb's on social movements, and Mr. G. P. Gooch's on the growth of historical science. The range of the former is confined to England, but it is full of interesting matter. Mr. Webb's insistence on the development of municipal government as being 'all important to the life of the nation' (p. 733) is the key-note of his argument. 'The typical figure of the England of the middle ages was the lord of the manor; the dominant types of the England of a century ago were the improving landlord and the capitalist mill-owner; the most characteristic personages of the England of the twentieth century are the elected councillor, the elementary schoolmaster, the school-doctor, and the borough engineer' (p. 738). Mr. Webb's chapter is not free from dicta that challenge criticism, as for example his version of the Taff Vale Railway case (p. 748) and his definition of 'the central idea of socialism' (p. 757); but its pages are all the more readable for deviating momentarily from the general high standard of austere impartiality. Mr. Gooch writes on modern historians with learning and discretion. Ranke is to him 'beyond comparison the greatest historical writer of modern times' (p. 825). His views as to the comparative merits of English authors will not satisfy every school of thought, but they are fairly put.

The place to be occupied by the *Cambridge Modern History* in the Englishman's library is hardly open to argument. The twenty-six essays, closely packed with detail, that constitute the twelfth volume, are necessarily disabled from ranking among great literature. As chronicles of facts, however, they are admirable products of much diligence and insight, and fully confirm the *Cambridge History's* reputation as an ideal work of reference, and a helpful guide to the historical student.

GERALD B. HERTZ.

Istoria Cat'holicobisa Kart'hvel't'ha shoris; Histoire du Catholicisme en Géorgie avec les documents justificatifs du XIII^e au XX^e siècle. Par le Prêtre MICHEL TAMARATI. (Tiflis, 1902.)

MGHVDELI MIKEL T'HAMARASHVILI. *Pasukhad Somkhis mtserlebs romelnitz uarhqop'hen Kart'hvel Cat'holicobas. (Tiflis, 1904.)*

MICHEL TAMARATI. *L'Eglise Géorgienne des origines jusqu'à nos jours. (Rome: Société Typographico-Editrice Romaine, 1910.)*

THE first of these books is in the Georgian language, but the supplement (pp. 563-836) gives the documents in the original Latin, Italian, and French texts, which in many cases have never before been published; they begin in the early part of the thirteenth century with correspondence between Queen Rusudan of Georgia and Honorius III and Gregory IX, and end in 1819. They are extracted chiefly from the Roman archives, and present many features of interest to historical students. Unfortunately, through circumstances over which the author had no control, the book was published with several typographical errors. The second book is a reply to Armenian detractors of Georgian catholicism; but, as it is mainly polemical and written entirely in Georgian, it does not at present call for special notice. The third of the works is, however, one accessible

to all who read French, and may be recommended to students of history and general readers. With the exception of the Rev. S. C. Malan's translation from the Russian of Platon Ioseliani's excellent *Short History of the Georgian Church*, published in London more than forty years ago, there is, so far as we know, no work on the subject in any western European language. The Rev. M. Tamarati (T'hamarashvili), a priest of the Roman catholic church, has treated his subject with all the sympathy one would expect from a Georgian, and much more than might have been anticipated from a clergyman of another communion. He incidentally gives much information about the political history of Transcaucasia from the earliest times down to the present day, and the student will find his book a compendium of knowledge difficult to obtain elsewhere, with copious bibliographical references and much new material from manuscripts in the archives at Rome, Florence, Paris, and the great libraries in those cities and in Tiflis, Moscow, Palermo, and London. The numerous illustrations are not the least interesting feature of the work; there are not only reproductions of architectural photographs and portraits, but also clear phototypes of the remarkably artistic sketches with which Father Castelli, a Theatine missionary in Georgia about the middle of the seventeenth century, adorned the journal of his travels, preserved in the Communal Library at Palermo and worthy of a complete edition. The western reader will find in every part of this book new subjects of interest, and it is to be hoped that many students will be stimulated by it to labour in a field which has hitherto been neglected. Among the numerous monographs of which the book is made up the most interesting are, perhaps, the preliminary sketch of early history, summarizing the literature on the cuneiform inscriptions of the Van region, the materials for Georgian history during the crusades, and an unconsciously humorous examination of the claims of Treves and Argenteuil to possess that holy tunic which was one of the chief relics of Georgia.

O. WARDROP.

Short Notices

THE January number of *Harper's Magazine* contained a remarkable article by Professor G. Hempl of Stanford University, California, propounding a decipherment of the unique Phaestos disk, which was discovered a couple of years ago by the Italian expedition to Crete. A reprint of this article has since been circulated, with a prefatory note intimating that the more detailed publication which had been announced is postponed in order to make way for a book on Etruscan. It further appears that the professor has in hand a work on the Minoan inscriptions, which, so we are informed, turn out to be in 'Attic Greek'. Meanwhile the doubt may be expressed whether the present somewhat confidently proclaimed 'solving of an ancient riddle', however ingenious, will find favour among philologists. The disk, which is supposed to date from the second millennium B. C., and to have come to Crete from Asia Minor, is stamped on both sides with pictographs enclosed in a spiral and marked off into groups by vertical lines. Forty-four different signs occur, which, as Professor Hempl justly observes, is about the right number for syllabic writing; and his theory is that they severally denote the first letter or letters of the object represented, the language being Greek. If, then, these objects can be correctly identified, and the correct words for them fixed upon, the legend will yield its secret. The criterion will be the plausibility of the resulting text. This is not the place for technical details, and it must suffice to state that the version offered of the commencement of the inscription is incredible as primitive Greek. It includes a few not unsatisfactory words; possibly the main lines upon which it proceeds are sound; but a better outcome is needed for their justification. And already rival interpreters are entering the field. In the *Burlington Magazine* for April Miss Stawell, of Newnham College, having renamed a number of the characters, transformed the inscription into an invocation to a goddess, and suggested that the disk was a matrix for the production of cymbals used by the devotees, who would thus be provided with a permanent and handy copy of their sacred chant. This new version may be regarded as an advance, but it, too, fails to carry conviction. The whole hypothesis whereon such decipherments rest is now challenged by Mr. John Griffith, who, in a letter to the *Morning Post* of 14 April, expresses his confidence that the disk is a calendar for two years, and that the signs are numbers. This view requires further development. For the present no deductions, whether linguistic or historical, can safely be based on such ambiguous material.

A. S. H.

In the fifth volume of the *Papers of the British School at Rome* (London : Macmillan, 1910) Dr. T. Ashby continues his study of 'The Classical Topography of the Roman Campagna', and Mr. H. Stuart Jones resumes the discussion of 'The Historical Interpretation of the Reliefs of Trajan's Column'.

H.

In his essay on *The Imperial Civil Service of Rome* (Cambridge : University Press, 1910), Mr. H. Mattingly deals with a subject upon which the epigraphic discoveries of the past twenty-five years have thrown a flood of light. The title of the book is necessarily somewhat misleading, since the division of civil and military functions was imperfectly carried out in the equestrian service under the Empire—it is enough to recall the term *militiae equestres*; but the phrase has a recognized meaning. By far the most important work, recently published, which has a bearing on the questions treated by Mr. Mattingly is Domaszewski's *Rangordnung des römischen Heeres*, in which the hierarchy of the equestrian posts is drawn up by means of the graduation of salaries, so far as this is known to us. Mr. Mattingly refers to this monograph (p. 99, n. 8), and says: 'So far as I have been able to test them, his results hold good.' We should have been glad, however, for a more detailed treatment of this side of the subject. There is a curious inconsistency between page 67, note 4, where the author is 'inclined to follow Domaszewski in regarding the *tribunus sexmenstris* as a staff-officer on half-pay', and page 71, where Mommsen's view (surely the more probable) is stated without qualification. It is unfortunate that, when writing that 'the three classes of *virī egregiī*, *virī perfectissimi*, and *virī eminentissimi* appear in inscriptions from about the reign of Marcus Aurelius onwards', Mr. Mattingly should have overlooked the important fact that, as the inscription of Ain-el-Djemala shows, the title of *vir egregius* existed in the time of Hadrian, who did so much for the equestrian service (cf. *Klio*, vii. 212). Mr. Mattingly's book, though it will not teach the specialist much, will no doubt be widely read by the student, who will find in it a useful outline of the subject.

H. S. J.

The third edition of M. Maurice Prou's *Manuel de Paléographie Latine et Française* (Paris : Picard, 1910) represents a great advance upon the previous editions of this useful treatise. When the book first appeared in 1890 it formed a volume of 387 pages; now it has grown to 509. The text is not merely corrected in the light of more recent study, but the whole treatment has gained very greatly in precision, and the terminology is more scientific. To mention two points, manuscripts on papyrus were almost entirely neglected in the first edition; now they are dealt with, not perhaps so fully as they deserve from their importance in illustrating the earlier forms of the alphabet of western manuscripts, but still on a fairly adequate scale; and tironian notes and analogous systems of shorthand are given their due place in the history of abbreviations. We may also notice the account given of the derivation of the Caroline minuscule (pp. 171-4), though it cannot be regarded as final, the pages on the revived humanist hand (pp. 256-9), and the description of eighteenth-century

papal bulls (pp. 273 ff.). The references to special monographs and articles, which are now given in footnotes, will be found by advanced students the most serviceable part of the book. The lists and indexes at the end are helpful, and the facsimiles are removed to a separate portfolio so as to avoid the inconvenience of folding the plates. The dictionary of abbreviations is unsatisfactory and misleading, because no approximate dates are supplied for the forms given. I.

Father Conrad Kirch, S.J., has compiled an *Enchiridion Fontium Historiae ecclesiasticae antiquae* (Freiburg im Breisgau: Herder, 1910) as a companion volume to Denzinger's well-known *Enchiridion Symbolorum*. It is beautifully and for the most part accurately printed, though 'roseido' for 'roscido' on p. 80 is puzzling at first sight, and good texts have usually been employed. There is the usual Latin in parallel columns with the Greek, which we expect to find in textbooks of the author's communion, and the Latin is commonly satisfactory. But we wish we could say that the passages were well chosen. The interests of the author, and his ideas of what constitutes evidence and of what is historically important, are quaint and antique. He has little sense of proportion, and an innocent reader who took him seriously would have an entirely false impression of the importance attached in early times to Rome and its claims. The persecutions are well treated, and a number of interesting documents, some not easily accessible elsewhere, are given, but no attempt is made to show the course of events consecutively, while picturesque or controversial episodes, such as that of the 'legio fulminatrix', the vision of Constantine, the invention of the Cross, and the penitence of Theodosius, engross an excessive amount of space. The worst example of waste is the question of the orthodoxy of Liberius, concerning which citations are accumulated, whether or no the writers had any opportunity of knowing the facts. But the weakest point of the work is its omissions. For instance, though the Augustinian and Pachomian 'rules' are given, no evidences for the history of monasticism are adduced. Optatus only appears as an authority for the primacy of St. Peter, and Basil of Caesarea as giving an opinion on penitence. Chrysostom's eventful career is ignored, though his appeal for help to Rome is printed, while Gregory the Great, eminently a man of action, is represented by two extracts, 'de reliquiis Sanctorum non dividendis' and 'de cultu imaginum'. And this is in what professes to be an *Enchiridion* of history. However, it contains much that is interesting, even though it is irrelevant, concerning liturgies and doctrine; it is cheap, and will be of value to any one who knows how to use and how to supplement it.

E. W. W.

Father E. A. D'Alton has completed his *History of Ireland from the Earliest Times to the Present Day* (London: The Gresham Publishing Company, 1910) in six half-volumes, forming the third edition of the work. The first volume, comprising two of these half-volumes and bringing the story down to the Reformation, was noticed *ante*, vol. xix. 565-7. With the competent assistance of Professor Douglas Hyde, the spelling of Irish names, in which, as pointed out in our former notice, no fixed

principles were adopted, has been greatly improved ; but in other respects little use has been made of the opportunity afforded by the reprinting for the correction of errors. Some even of those instanced by us—and they were only examples—have been retained. The second volume deals with the period of the Elizabethan, Cromwellian, and Williamite wars and confiscations. Here the author refers pretty frequently to some of the primary sources, but his work has little pretension to accurate original research, and, as before, he often ignores the results reached by the best modern writers. The story of the death of Celtic tribalism and of the ‘anglicisation’ of Ireland is told as if it were almost entirely a contest between two religions. Father D’Alton pleads persuasively *pro domo sua*, but in spite of a desire to be fair all round he inevitably fails to appreciate the position of ‘houses’ with which he has no sympathy. Thus, according to him, it was owing to ‘the fervid bigotry’ of the men of Derry that the gates of the town were shut against a catholic garrison in 1688 (p. 394). The reader will not gather from this history that it is a primary duty of government to put down rebellion (except, indeed, when the rebels are protestants), nor that to invoke foreign military aid is high treason, nor that any state worthy of the name must resist to the uttermost the claim of an external power to absolve its subjects from their allegiance. From vulgar abuse of the promoters of non-catholic or anti-catholic policy the book is indeed laudably free, but for a critical examination of the mistakes and misfeasances of English rule and of the root causes of Irish lawlessness and disaffection the reader will search in vain. The final volume covers the period from Grattan’s Parliament to Mr. Birrell’s University Act, and is largely concerned with still current politics. Professor Hyde must not be held responsible for the forms *Ardh-Fheis* and *Claideamh Solius* (p. 500), nor should the author of ‘Who fears to speak of ’98’ be charged with attempting to justify the means by which the Union was carried (p. 495). In the absence of any good history of Ireland covering the whole historic period Father D’Alton’s work, notwithstanding its defects, is certainly welcome ; but a complete general history of the country, up to the standard of modern scholarship, has yet to be written.

G. H. O.

Our readers will be glad to have references to three valuable contributions to the history of medieval learning which Professor C. H. Haskins has printed in American periodicals : (1) ‘A List of Text-Books from the close of the Twelfth Century,’ which reasons are given for assigning to Alexander Neckam (*Harvard Studies in Classical Philology*, xx. [1909]) ; (2) ‘The Sicilian Translators of the Twelfth Century and the first Latin Translation of Ptolemy’s *Almagest*’, written in association with Mr. D. P. Lockwood (*ibid.* xxi. [1910]) ; (3) ‘The Translations of Hugo Sanctelliensis’ (*Romanic Review*, ii. 1 [1911]).

J.

In his dissertation, *Philipp von Elsass, Graf von Flandern*, 1157–91 (Brüssel : Weissenbruch, 1910), Dr. J. Johnen has compiled, in a chronological form, a critical narrative of value, which supplements the theses of Georges Smets upon Henry of Brabant, and of Ludwig König upon Baldwin of Hainault. The author has used Anglo-Norman authorities

freely, and dwells upon the part played by Philip in the Becket controversy. Both the form of the essay and its main purpose (to analyse the relations of Philip with France, England, and the Empire) made it difficult for Dr. Johnen to give a very clear impression of Philip's personality. The fascinating prince is buried beneath the minute studies which, in recent years, have traced the northern policy of Philip Augustus and Henry II. But Dr. Johnen seems to have worked up most of the material for others to use, especially for the years 1160-80. We have noticed no omission of any importance except one: no reference is made to Philip's significance as a builder (cf. *Mémoires de l'Institut, Académie des Inscriptions et Belles-Lettres*, xxxvi. i. 379-86). F. M. P.

In the third volume of his *Philipp II August* (Leipzig: Dyk, 1910), Professor Alexander Cartellieri shows the same qualities of thorough industry and unfailing erudition which have marked his previous work. No particle of evidence seems to escape his research; and his judgements upon his data are sound and convincing. He has paid especial attention to problems of chronology; and by fixing dubious dates he has been able to place the progress of events in its true light. This volume, which deals with the years from 1192 to 1199, contains much that is of interest to English readers. Most interesting, perhaps, is the author's account of the captivity of Richard I and his relations to Henry VI. Striking, too, is the suggestion that Philip was led to marry Ingeborg of Denmark because she was a descendant of King Canut, and would thus serve to strengthen his policy of aggression towards England by furnishing him with something of a claim to the English throne itself. It is true that Dr. Cartellieri sometimes seems a little harsh in his view of Richard I and English policy under Richard, and a little too much inclined (unconsciously, no doubt, and from a praiseworthy desire to understand and sympathize with the subject of his study) to give the French point of view. Nor does he always give prominence to those events in English history which helped to influence Philip's action; he omits, for instance, to consider in any detail the policy of John in England in 1193 and 1194. But on the whole he shows a broad and impartial scholarship. There are a few misprints of English words, e. g. Hodgking for Hodgkin (p. xi), and *mars* for *wars* (p. 241). Dr. Cartellieri expresses some doubts on p. 167, n. 5, about the use of the words *superducere* and *superinducere*, with reference to the *liaison* of Philip Augustus with Agnes of Meran, for which he fails to find an adequate parallel. There is an exact parallel in Suger's *Life of Louis VI*, c. xii, with reference to the *liaison* of Philip I with Bertrade of Anjou (*superductam Andegavensem comitissam*).¹ E. B.

Dr. Maximilian Buchner has brought forward some suggestions of very great interest in his essay *Zur Datierung und Charakteristik altfranzösischer Krönungsordnungen* (Sonderabdruck aus der *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, xxxi. Weimar, 1910). He seeks to

¹ Dr. Cartellieri allows that '*superducere*' is *unauffällig*. But is not *superinducere* equally unexceptionable? *Superducere* means to marry in addition: in *superinducere* the word *ducere* is used in a slightly different sense—'to bring into the house in addition'.

rehabilitate the well-known *ordo coronationis*, attributed by Du Tillet (1607) and Godefroy (1619) to the reign of Louis VII, but long regarded by most modern scholars as a late compilation. Dr. Hans Schreuer, in a previous issue of the *Zeitschrift* (1909), has recently analysed this and the other early *ordines*, and, putting the *ordo* in question on one side, regards that of 1223, drawn up for Louis VIII, as the origin of all later ceremonial. Dr. Buchner argues with much force that the *ordo* of Louis VII is genuine, and is the basis of later *ordines*, including those of 1223 and 1226. The composite nature of the form of 1223 is due to the abbreviation of the form of Louis VII and the admixture of ritual from early Frankish forms, especially the Köln MS. 141. The chief object of this variation was to limit the supremacy of the archbishop of Rheims and to restore the share of the bishops in the ceremonies of the coronation. In 1226, owing to political exigencies described by both Schreuer and Buchner, a new form, more nearly allied to that of Louis VII, was introduced; but the form of 1223 ultimately prevailed. It is worth while to remind English readers that the Frankish model, partly followed in 1223, was in its turn based upon an Anglo-Saxon formulary, and that the French kings, down at any rate to Charles V (1365), were thus made to wield the sceptres 'Saxonum, Merciorum, Nordan-Chimbrorum'.¹ One of the arguments for the early date of the *ordo* of Louis VII is that it evidently incorporates a distinct early substitute for the English phrase (*les sceptres des Français, Burguignons et Aquitainiens*). Dr. Buchner shows that, of the translations given by Du Tillet and Godefroy of the *ordo* of Louis VII, the latter is the better, and is probably based upon a different manuscript of the original Latin. He is thus able to put on one side the main argument for the late date of the *ordo*. The reference to the expulsion of heretics, in accordance with the decrees of 1211, though found in Du Tillet, is absent from the version given by Godefroy. The writer concludes that the *ordo* was drawn up in 1171, when the coronation of Philip Augustus, which took place in 1179, was first considered. If his view is accepted, the *ordo* becomes a valuable analogy to the form of ceremonial at Richard I's coronation (1189) described in the *Gesta Henrici* (ed. Stubbs, ii. 80-3). And, in the second place, it provides evidence for the 'peers of France' thirty years before they are mentioned by Ralph of Coggeshall, and thus corroborates the more doubtful evidence produced by M. Lot (*Revue historique*, 1894) and Professor Holtzmann (*Historische Zeitschrift*, 1905).

F. M. P.

In *A Suffolk Hundred in the Year 1283* (Cambridge: University Press, 1910), Mr. Edgar Powell, the well-known author of a volume on *The Rising in East Anglia in 1381*, has collected and edited some very interesting information on the economic conditions of the peasantry in the hundred of Blackbourne, Suffolk. He gives us, first, statistical abstracts of a taxation of goods of the chief men (*prudes hommes*) of the hundred, owning more

¹ The credit for noticing this is sometimes given to Dr. Brunner; but Selden remarks upon it in his notes upon the form of 1365 (*Titles of Honor*, ed. 1672, pp. 177, 189); and Rock drew the same conclusion from the Rheims pontifical of the ninth century, now at Köln (*The Church of Our Fathers*, ed. Hart and Frere, 1905, i. 227-8).

than half a mark's worth in movables, for the purpose of collecting a thirtieth of the value of movables granted by parliament in 1283; secondly, a portion of a Suffolk Hundred Roll relating chiefly to the estates of the abbey of Bury St. Edmunds from cartularies of the abbey now in the Cambridge University Library and in the British Museum (Harl. MS. 743). Much additional information is supplied in the notes and introduction from recognitions made to Abbot Thomas of Bury St. Edmunds in 1302, from inquisitions post mortem, and from other contemporary documents. We obtain thus most valuable materials concerning the population of this district at the close of the thirteenth century, the status of the inhabitants, the quantity of movables owned by them, the prices of corn, cattle, &c. It is hardly needful to dwell on the importance of such painstaking and careful publications; they provide us with definite and exact evidence as to the rural life and household economy of the middle ages. I may add from a personal point of view that the data on land tenure seem especially interesting. Mr. Powell shows that the fragment used by him is derived from a Suffolk Hundred Roll of 1279-80, that is, from a portion of the great inquest into estates, rents, and services, of which a part has been published in the second volume of the Record Commission publications (the returns for Bedford, Buckingham, Oxford, Cambridge, and Huntingdon). I have had occasion long ago (*Athenaeum*, 1883) to call attention to a set of similar returns from Warwickshire, which still lie unpublished at the Record Office. The inquest of Edward I, if it were recovered as a whole, would form a more than fitting sequel to Domesday Book.

P. V.

An article on *L'Apprentissage à Ypres à la fin du xiii^e Siècle*, contributed to the February number of the *Revue du Nord* by Professor G. des Marez, throws a valuable side-light on the beginning of the craft gild in Flanders. The illustrative documents belong nearly all to the period between the abortive rising of the crafts in 1280 and their triumph in 1302, and fairly close parallels to them may be found in Dr. Sharpe's *Calendar of Letter Books of London*, A and B (e.g. A, pp. 5, 18, 80; B, 61, 131). If we may judge from these extracts and from the *lettres de foire* published some years ago by M. des Marez, the records of Ypres at this time must be very similar to those of London, and both cities were passing through the same preliminary stage of gild history. Apprenticeship, the uniform regulation of which, by the delegated authority of each several craft, became later on the essential feature of gild policy, was at this early period, in form at least, a private contract between the two or three individuals concerned, entered into in the presence of two *échevins*, and probably supplemented by the oath of the apprentice not to combine or conspire with others against the authorities. The economic terms of the contract varied from case to case, the consideration in return for which the master engaged to teach his trade being sometimes a loan of capital on the part of a parent and sometimes a power over several years' labour of the trained apprentice.

G. U.

Dr. Matthijs P. Rooseboom's *Scottish Staple in the Netherlands, an Account of the Trade Relations between Scotland and the Low Countries*

from 1292 till 1676, with a Calendar of illustrative Documents (The Hague : Nijhoff, 1910) covers part of the subject recently treated by Professor Davidson and Mr. Gray in their work on the *Scottish Staple at Veere*,¹ but unfortunately that which is the least productive for economic history, namely, the external development of the institution as shown by official documents mostly of a diplomatic kind. The author's knowledge of political history is superficial and inexact. Thus in his appendix he places nos. 8 and 9, being a petition and a discussion of liberties to be granted to the Scottish merchants by the duke of Burgundy, but without date, before no. 10, an actual grant by the last Male count of Flanders dated 30 November 1359. Even in the best-known period of Dutch history, that of the Eighty Years' War, we read of the suspicion held against Leicester of playing into the hands of Spain : 'It is not known whether these rumours had any foundation or not.' Here and there the materials which Dr. Rooseboom has used either for the first time or more abundantly than Messrs. Davidson and Gray furnish a fresh illustration of value. For example, in the conditions laid before the magistrates of Veere by the Commissioners of the Convention of Burghs in 1612 (p. 140),

Gif it sall happin any schip or bark laidnit with coillis or corne to haif any staipill wayris thairin to lose thair cornis or coillis in Flyscheing, Armwth, Middilburgh, that it sall be lesum to thame to schip thair staipill wayris in any hoy at ony of the said ports to be transportit to the staipill,

the provision proves that there was as yet no disagreement as to the exclusion of those two most precious exports of Scotland from the category of staple commodities, so that this cannot then have been so vague as Messrs. Davidson and Gray supposed in view of the later discussions (pp. 354 ff.). But Dr. Rooseboom has greatly impaired the usefulness of the documents he has edited, especially in the early pieces and in the Latin charters of his calendar, through his culpable negligence in transcribing the texts and in reading his proofs. Besides, he has not learned the elements of technical chronology : 'A.D. MCCCCLXIX prima die mensis Aprilis ante Pasca' is the French way of saying 1 April 1470, and only by ignorance of this no. 26 is assigned to a date which is altogether incompatible with the preceding document of 7 April 1469. Some of his renderings of documents prove that, as he expresses himself with regard to a defective draft of the staple treaty of 1675 (p. 224), they were 'made by one who did not understand the subject'. Thus he speaks (p. 3) of a charter of Philip IV of France, 'in which he promises to defend the count of Flanders, against the count of Blois, in return for the hospitality extended to the Scots.' The original printed in the appendix (p. ii) runs : nos dilecto et fideli nostro comiti Flandrie promittimus eum defendere, deliberare ac garantizare erga dilectum et fidelem nostrum comitem Blesensem super eo quod occasione debiti in quo rex Scotie eidem comiti Blesensi et eius uxori teneri dicitur bona predictorum mercatorum non arrestabuntur seu capientur in Flandria.

The salient point, the question of liability, so important in commercial history, is not noticed at all. The same carelessness makes him even blunder in the interpretation of a modern English translation, that of the

¹ See *ante*, vol. xxv. 165.

staple contract of 1540 between Antwerp and Edinburgh taken from the inventories of the charters of the Scottish burghs (pp. lxii, 56). Dr. Rooseboom's book is an extreme example of the defects of superficial treatment in so intricate a subject as economic history. C. B.

In the second part (September 1910) of the Registers of London diocese the Canterbury and York Society completes the publication of Ralph Baldock's Register (1304-13), and prints what fragment there is to print of the Registers of Gilbert Segrave (1313-16) and Richard Newport (1317-18). The volume closes with a transcript as far as 1333 of the Register of Stephen Gravesend (1318-38). The entries are of much the same type as those in the first volume issued. Rather more general interest attaches to a somewhat disingenuous letter from the prelates of Canterbury province to the pope in 1319 concerning the Scottish war, and also to a very human attempt of Baldock to make his peace with heaven, four days before his death, by a revocation of all his sentences of excommunication. H. J.

Dr. Karl Jacob's *Studien über Papst Benedikt XII* (1334-42) (Berlin : Trenkel, 1910) is an extended version of a Jena thesis. The biographical and personal part is somewhat meagre, but the author has given a very useful account of the administration of the Papal Curia, and the chief improvements in it brought about during the life of his hero. Equally worthy of commendation is the account of the monastic reforms initiated by this Cistercian pope. A considerable portion of the monograph deals with Benedict's political activity. Of this, the part dealing with the negotiations between the Curia and Lewis of Bavaria, and the narrative of the attempts made by Benedict to prevent and stop the Hundred Years' War, are both competently done, though the latter does not add much to what has been written on the subject by M. Déprez. One or two corrections may be suggested. 'Bischof Johann Comminges von Toulouse' is a curious way of describing John de Comminges, archbishop of Toulouse, at a time when he had ceased to be archbishop for several years, and was actually a cardinal resident at the Curia. Dr. Jacob's knowledge of the south of France is not deep. The Cistercian abbey in which Benedict XII was brought up was not 'Bolbone', but 'Boulbonne', and was not situated in the present department of Bouches-du-Rhône, but in that of Haute-Garonne, in the ancient county of Foix, which is very loosely described when Dr. Jacob says that it 'umfasste das Gebiet des Bistums Toulouse'. Neither is his account of the bishoprics of that region quite precise. T. F. T.

The first volume of Dr. Otto Cartellieri's *Geschichte der Herzöge von Burgund, 1363-1477* (Leipzig : Quelle & Meyer, 1910), which deals with Philip the Bold, is in origin part of the author's preliminary studies for a history of the Burgundian power when its potentialities seemed greatest under Philip the Good and Charles the Bold. The result is that we have a comparatively short but thoroughly scientific account of the career of the first Valois duke, which not only utilizes the latest printed material but embodies the fruit of Dr. Cartellieri's researches in the

relevant documents at Paris, Dijon, and elsewhere. Some of the more interesting of these are printed in an appendix. Philip's acquisition of the county of Flanders by marriage brought him into close contact with England, and these relations and their effect upon his policy are carefully traced both from English and foreign sources. From a letter of Richard II dated 23 November 1397, printed in the appendix (p. 149), it appears that Thomas Arundel, the banished archbishop of Canterbury, had found a refuge in Ghent. The king writes to thank the citizens for their kindness to one whose defaults have sent him into exile, but for whom he professes a feeling of compassion. A speaking likeness of Philip is reproduced as a frontispiece.

J. T.

The text of the twelfth volume of the *Calendar of the Close Rolls of the Reign of Edward III* (London: H.M. Stationery Office, 1910), covering the years 1364-8, has been prepared, as was the last, by Mr. W. H. B. Bird, while the index is the work of Mr. C. T. Flower. A document printed at length on pp. 494-8 illustrates some of the difficulties of a calenderer's task. It purports to be a list of the eighty-six fees in divers counties which Robert de Lisle (*de Insula*) surrendered to Edward III in November 1368 under circumstances that are not as clear as could be wished. The items of the list do not always correspond with its totals, but more surprising is the incorporation of a list of Wiltshire fees of the *Comitatus Insule* which, a little consideration convinces one, must belong to an earlier period, and in fact is extracted from the *Testa de Nevill* (pp. 140, 144, 149. of the printed edition). It seems to refer to a portion of the estates of the earls of Devon, who were sometimes (incorrectly) styled earls of the Isle (of Wight), but Robert de Lisle's family, which is said to have taken its name from the Isle of Ely, is not known to have been connected with the house of Redvers. If Mr. Bird had detected this anachronistic insertion he would have been able to correct some of its misspellings. But the calenderer has rarely time to criticize his text. Mr. Flower's index is commendably free from mistakes, and introduces a new feature in a glossary of uncommon words and a fuller *index rerum* especially under 'Law and Administration' and 'Proclamations'.

J. T.

Dr. H. N. MacCracken describes *The Serpent of Division*, by John Lydgate (London: Frowde, 1911), as interesting 'rather because of its origin and the subject of which it treats than because of any claim to literary merit which the work may possess'. The colophon of Lord Calthorpe's Yelverton MS. 35 states that the translation was made 'the moneth of decembre the first yere of oure souveraigne lorde that now ys, King Henry the vj^{te}'. This clearly fixes the date for 1422 instead of 1400 as given elsewhere. The colophon of another copy describes the work as written by 'commaundement of my moste worschipfull maistere and souereyne'. By master and sovereign in this latter colophon it is obvious that the infant Henry VI cannot be intended. Therefore, argues Dr. MacCracken, it must refer to Humphrey of Gloucester, 'the Lord Protector and real sovereign of the realm.' On this he builds a theory that Lydgate wrote his *Serpent of Division* to the order of Humphrey of

Gloucester, who wished for a warning against the dangers of civil strife during the minority of a puny infant. The argument seems altogether too slight. Humphrey's very limited powers as protector would not justify the description of him as 'real sovereign' even by a modern writer, and it is most unlikely that Lydgate would have so described him. I think there can be no doubt that Lydgate, who wrote his *Troy Book* to obey 'my lord's bidding', and addressed it to Henry V as 'my sovereign lorde most deere', wrote his *Serpent* at the same request at his leisure, and did not compile it hastily within four months of the king's death. With this there falls to the ground the editor's description of the tract as 'one of the very earliest political tracts in English history'. It would indeed be a strange irony if Humphrey of Gloucester, who more than any Englishman of his time was to cause trouble by his selfish ambitions and was to do so much to sow the seeds of civil war, should as one of the first acts of his protectorship have commissioned the writing of a pamphlet to warn others of the evils of dissension. As a matter of fact, the text of *The Serpent* shows no signs of having had any definite political purpose, and the moral of the strife between Pompey and Caesar, with which it is concerned, is pointed very slightly. It is not necessary to suppose that Henry V had any ulterior motive in suggesting the work, though he was not blind to the dangers that might arise from Humphrey's unstable character. If any special allusion must be sought for, it is easier to find it in the state of France than of England. Apart from this untenable theory as to the origin of the book, Dr. MacCracken has done his work as editor well. But *The Serpent* is guileless of any historical significance or value. There are three admirable illustrations reproduced from a manuscript belonging to Mr. Yates Thompson.

C. L. K.

In *L'Humanisme belge à l'Époque de la Renaissance* (Brussels: Van Oest, 1910) Professor Alphonse Roersch collects a number of studies already published in sundry periodicals, revising them occasionally where necessary, and supplementing them with a few more sketches of the same character. The introductory essay, on the origins of Belgian humanism, strikes an interesting note, emphasizing the spontaneous rise of the Renaissance in the north, apart from, though of course largely influenced by, the course of the movement in Italy. After the notable names of William of Moerbeke, the translator of Aristotle's *Politics* into Latin in the thirteenth century, and Radulphus de Rivo, the collector of manuscripts, he takes into his view the leading men of letters who either taught or learnt in the schools of the Brethren of the Common Life; promising incidentally a study of a scholar whose name has hitherto been scarcely known, Johannes de Veris, schoolmaster at Oudenbourg in the second half of the fifteenth century, whose letters and papers were recently discovered by Dom Berlière at Trèves. The sketches which follow are principally biographical. Throughout the book two ideas are brought into prominence—the importance of resuscitating the secondary personages of the Renaissance movement, and the continuity of this movement beyond the period of its first outburst. Though there is much still to be discovered about the leading humanists of the north, their place is clearly

fixed, and the outlines once given to them will not need much modification. But fitting round them are numbers of shades who have received from posterity far less than their due—men of no small influence in their times, who, through the accidents that befall manuscripts and small editions of printed books, have fallen into quite undeserved oblivion. Professor Roersch sketches for us in clear and vivid lines a number of these forgotten scholars—Rutger Rescius, Greek professor at Louvain, who turned printer; Laevinus Ammonius, the learned Carthusian; Hilary Bertholf, secretary to Erasmus and friend of Rabelais and Cornelius Agrippa; Felix Rex Polyphemus, clever but bibulous messenger, subsequently a respectable librarian at Königsberg. And in the later period, the age of erudition with which the sixteenth century closed, we have Peter Pantin, dean of St. Gudule's at Brussels, who spent fifteen years in Spain teaching and gathering manuscripts; the well-known Franciscus Modius; Stephen Pighius the epigraphist, one of the first to try his hand upon the Monumentum Ancyranum; and Simon Ogier, the voluminous 'Swan of St. Omer'—all of them friends or contemporaries of Justus Lipsius. Each article is followed by a useful bibliography, and the volume as a whole is a valuable contribution to the history of humanism in the north.

P. S. A.

A new edition of the well-known *Mémoires de Martin et Guillaume Du Bellay* (vols. i, ii), now in process of publication for the Société de l'Histoire de France (1908, 1910), by MM. V. L. Bourrilly and F. Vindry, is exceedingly welcome. It could not have been entrusted to better hands. M. Bourrilly has no superior either in general knowledge of the reign of Francis I or in particular knowledge of the Du Bellay brothers, while M. Vindry's *Dictionnaire de l'État majeur français du XVI^e siècle* is indispensable to the historical student. The first instalment contains books i and ii (1513–25), and the second books ii–v (1525–36). The first four books are by Martin Du Bellay, but book v is one of the three books which represent the missing *Ogdoades* of his brother Guillaume. According to Martin's story he wrote in Latin and afterwards translated into French seven *Ogdoades*, all of which, except three books which formed part of the fifth *Ogdoad*, disappeared after his death. But M. Bourrilly in his *Guillaume Du Bellay* gives good reasons for supposing that the rest of the work had never progressed beyond a summary sketch. However this may be, the fifth book of the joint Memoirs forms a marked contrast to the earlier ones. We are conscious that the pen has been taken up by a man of far superior intelligence to Martin, and by one who is thoroughly conversant with the affairs of which he is treating. The narrative is now told in much greater detail, the whole book dealing only with the events from February to May 1536, that is to say, with the occupation of Savoy and Piedmont by the French troops, and with the diplomatic controversy between Francis I and Charles V which preceded the declaration of war in the following June. The long discourse in which Charles V detailed his case before the pope in the consistory of 17 April is given at great length. It is needless to say that the work of MM. Bourrilly and Vindry, both as regards the text and the commentary, is a model of careful editing.

A. T.

Although the first English voyage to China and the grant of the Golden Farmān for trade in the Golconda kingdom were of importance in the annals of the East India Company, the most important events for general history in the last instalment of Mr. W. Foster's *The English Factories in India, 1634-6* (Oxford: Clarendon Press, 1911), were the signing of the Anglo-Portuguese agreement of 1635, the piratical expedition of William Ayres, and the appearance upon the scene of William Courteen's interloping association. The years in question were years of gloom and extreme financial depression. Methwold, the English president at Surat, loyally and ably championed the interests of his masters. The portions of his diary relating to his visit to Goa and his imprisonment at Surat, because of the doings of Ayres, lend its main interest to this volume. But even Methwold's spirit failed when he found that royal patronage was being given to the company's rivals. He was convinced that, in the circumstances of the eastern trade, there was not room for competition between traders of the same nation, and so he believed that the result of the king's action would be that the East India Company would dissolve itself in despair. H. E. E.

Mr. A. Seaton's essay on *The Theory of Toleration under the Later Stuarts* (Cambridge: University Press, 1911) contains a useful summary of the arguments for and against toleration employed in the pamphlet literature of the latter part of the seventeenth century. For that reason it may be profitably consulted by ecclesiastical or political historians of the time. It is not, however, a history of the development of the practice of toleration, but is strictly limited to the views regarding that subject expressed by various writers. Hence Mr. Seaton scarcely pays enough attention to the political conditions which promoted or obstructed the acceptance of the idea. There are also curious omissions in the history of the controversial struggle. It is odd, for instance, that he should analyse at some length Parker's *Discourse of Ecclesiastical Polity*, and discuss some of the answers to it, without any reference to the famous pamphlets in which Andrew Marvell replied to Parker. The principle on which this exclusion is based is not easy to apprehend. It is hardly possible to treat the question under discussion adequately from such a narrow point of view. The bibliography is most unscholarly. In a number of cases books are mentioned without giving their dates, and references made to pages without specifying the particular volume. What is the meaning of a reference such as '*Journals of the House of Commons*, 85', or '*Pepys' Diary*, 148, 170'? C. H. F.

The New York State historian, Mr. V. H. Paltsits, by editing in two volumes *The Minutes of the Executive Council of the Province of New York 1668-1673*, with collateral and illustrative documents (Albany, New York, 1910), has begun an undertaking which should throw valuable light on colonial history. The minutes of the council, during the time of Nicolls, are unfortunately lost, so that the series begins with the government of Francis Lovelace. The present volumes do not contain much material of general interest, but are none the less valuable as illustrating the working of the old system of colonial government in dealing with disputes as to

land, relations with the Indians, the regulation of commerce and agriculture, and the general affairs of the province. From the material here contained a more favourable estimate of Lovelace would be gathered than the one given by most historians. His letters to the governors of other provinces show no little tact and good sense. The council seems to have taken its work seriously, though the attendance at its meetings was often very small. Both the editing and the appearance of the volumes are in every way to be commended, and the illustrations are excellent and numerous.

H. E. E.

The *Correspondance de Louis-Victor de Rochechouart, Comte de Vivonne, Général des Galères de France pour l'année 1671* (Paris: Champion, 1911), is a selection made by M. Jean Cordey from manuscripts in the possession of the Duc de Polignac. The editor has already published, under the auspices of the Société de l'Histoire de France, that portion of the correspondence which relates to the Cretan expedition undertaken by Louis XIV in 1669 in aid of the Venetians. The letters collected in the present volume are useful sources of information on all matters appertaining to the galleys, and bear witness to the difficulty of handling these vessels, which were rapidly becoming unsuitable to the new conditions of marine warfare. They were employed to give chase to the corsairs, carry notable personages, and tow vessels when becalmed into the line of battle; they also served as admirable ornaments in naval fêtes. In his official capacity Vivonne conducted himself as 'un très bon serviteur du roi' and 'un excellent subordonné de Colbert'. He enforced discipline and reform among the marines, secured officers of ability, and himself contrived a variety of technical devices for the handling of sails and so forth which facilitated the manœuvring of the galleys and made them more capable of action in rough weather. The letters also throw light upon the character of Vivonne, and his family. The Mortemarts appear to have been in severe financial straits; at one time the general of the galleys offered to sell his post, and we find him constantly soliciting favours from the court. The latter part of the correspondence, which deals with the Sicilian campaign of 1674-7, remains to be published.

C. E. M.

Mr. Beverley W. Bond, junior, contributes to the *Maryland Historical Magazine*, v. 4, a careful study of the colonial quit-rents in that province. 'The evidence does not show that the quit-rent itself was a material factor in promoting the growth of the feeling for independence. The general attitude was reflected not towards the tax, but towards the method of collection.'

H. E. E.

In the second and third volumes of Dr. William Robert Scott's work on *The Constitution and Finance of English, Scottish, and Irish Joint-Stock Companies to 1720* (Cambridge: University Press, 1910, 1911), we have instalments of the valuable study of a comparatively neglected period of economic history, on which he has for some time past been concentrating his assiduous research. The work was well worth doing, and, when complete, it will deservedly be regarded, we believe, as filling satisfactorily a con-

spicuous gap. For 'technical reasons connected with the printing of the book', as the author states, these two volumes have been published first; and in some respects the order of publication is not unhappy, for before that estimate is presented of the general development of the joint-stock system in Great Britain and Ireland down to 1720, which is promised for vol. i and will bring the development into relation with the chief 'social, political, industrial, and commercial tendencies' that influenced it, there is something to be said for laying firmly the foundation of this inquiry in a knowledge of the modes of internal organization and of financial administration of the various companies. This is what Dr. Scott has attempted, and, we think, accomplished with a gratifying measure of success in the volumes now issued. He has taken each company *seriatim*, first treating in vol. ii of those formed for foreign trade (of which the East India Company was of course the most famous), then dealing with those concerned with colonization, then with those occupied in fishing, in the extractive industries, and, finally, in draining mines and lands and recovering treasure from wrecks. Vol. iii is similarly concerned with water-supply and postal and street-lighting companies, with certain miscellaneous companies occupied for the most part in manufacturing, and with banking and insurance companies. It contains in addition some tabular statements relating to the crown and national finances. Through the discovery of minute books and official documents Dr. Scott has been able, as he remarks, to reach conclusions as precise in a considerable number of cases as those which can now be obtained about a modern company from the *Official Intelligence* or the *Stock Exchange Year Book*; and some of the companies discussed, fortunately for his purpose, still exist. As a result his work can justifiably be described as exhaustive, and, although it is true that the early history of British Companies has been discussed before, both in broad general descriptions, and, in some instances, in particular piecemeal, it has never been treated either in so large a survey of all its bearings as Dr. Scott contemplates, or with such detailed attention to its inner system as he has given in this portion of his work.

L. L. P.

Mr. H. D. Macwilliam's *Official Records of the Mutiny in the Black Watch* (London: Forster, Groom, & Co., 1910) provides a full and complete account of a very unfortunate incident in the annals of that distinguished corps. Formed in 1739 out of the six independent companies of Highlanders raised in 1725 for the maintenance of peace and order in the Highlands, the regiment received orders for foreign service in 1742, and was brought south early in 1743 to be reviewed by the king before embarking for Flanders. The men, however, having been enlisted for service in Scotland, and not holding themselves liable to foreign service under the terms of their engagement, objected strongly, apparently believing that they were about to be drafted to regiments in the unhealthy West Indies. The mutiny narrated by Mr. Macwilliam, who produces a wealth of evidence dealing with it, was the regrettable result. Over 100 men attempted to make their way back to Scotland, but without success, being taken and court-martialled; three of the ringleaders were shot, the death-penalty in the other cases being commuted and the men drafted into

regiments in the colonies. Mr. Macwilliam warmly takes the side of the men, and clearly they had a very strong case; the government had no right to assume that the formation of the companies into a regiment put the corps on a different footing, and the treatment of the mutineers was unnecessarily severe. Still there hardly seems evidence to justify his accusation of malice aforethought; he tries to prove too much. An interesting point is the suggestion that had the Highlands been in the care of the Black Watch in 1745 Prince Charles Edward's rising would have been crushed at the outset. The letter of Duncan Forbes of Culloden warning the government of the consequences of removing the Black Watch from the Highlands (pp. xxxvi-xxxvii) was a very accurate prophecy. But the whole incident shows the unwisdom of raising troops for limited service. C. T. A.

Of the increasing number of Russian scholars who have recently devoted themselves to the study of the economic history of France in the eighteenth century, none has chosen a more ambitious subject than M. E. Tarlé, who published in Russian in 1909 the first volume of a book on the history of the French working classes during the Revolution. A small section of this work is now issued in French under the auspices of the Société d'Histoire Moderne with the title of *L'Industrie dans les Campagnes en France à la fin de l'ancien régime* (Paris: Cornély, 1910). It is mainly concerned with the condition of the textile industries in the period between 1762 and 1791. In admitting the country in 1762 to an equal industrial footing with the towns, the government was merely recognizing the accomplished fact of the preponderance of rural industry, whilst, in attempting to extend the town regulations to the country, it was striking at the liberty which had been the main cause of that preponderance. The attempt proved futile, and the regulations became rapidly obsolete in town as well as country. The most valuable part of M. Tarlé's essay is his account of the different forms of organization prevailing in the rural textile industries. The nearest resemblance to our Yorkshire 'domestic system' was to be found in the linen manufacture round Valenciennes, where the small master often raised the flax on his own allotment, carried it through every process, and took the product to market. In Normandy the weavers worked to the order of town manufacturers, of whom there were 727 in Rouen. In Picardy and Brittany itinerant merchants collected the fabrics from the peasant producers. In the Cevennes factors dealt with the 'clothiers' who organized the industry. In most of these cases peasants worked on their own material. But in the Sedan country and the Limousin this was given out by employers; and the same system still more widely prevailed in the cotton manufacture of Touraine, L'Orléannais, Picardy, and Languedoc. Sometimes the looms also belonged to the employer. A comparison with contemporary conditions in England would, it may be suggested, have shed even more light on the subject than the use of German categories. But for this very reason the essay will be of value to English students. G. U.

Did the Comte d'Artois ever really intend to join Charette in Vendée? Did the British government honestly wish to see him on French soil? These

are the questions which the Vicomte du Breil de Pontbriand examines in his monograph *Le Comte d'Artois et l'Expédition de l'Île d'Yeu ; Erreurs historiques* (Paris : Champion, 1910), answering the first in the affirmative, the second in the negative. The vindicator of the prince against all comers, and especially against Vauban and his calumnies, M. du Breil lays the blame for the fiasco in the autumn of 1795 on England's half-hearted, and perhaps Machiavellian, methods of procedure and on Charette's own unpreparedness. In this latter connexion he points out that even M. Bittard des Portes does not seem to realize the significance of Charette's heavy defeat at St. Cyr on 25 September, though, unlike Crétineau-Joly and the rest of the royalist historians, M. Bittard does not wrongly assign the fight to 24 November—a date which makes all the difference to the argument. (This error, it should be said, is corrected in the recent re-issue of Deniau). Thus, says M. du Breil, while for Crétineau-Joly Charette is always the victorious chief at the head of 15,000 men, waiting eagerly for the arrival of the prince, he was in fact left by this defeat, for the time at least, with no more than five or six hundred. But was Artois aware of this? If Hoche is to be relied on, neither the prince nor Charette succeeded in communicating with each other between 5 October and 15 November, all their letters being intercepted. Again, says M. du Breil, Artois should not be blamed for allowing the disembarkation of St. Jean des Monts to be made without him, for, if the testimony of Lucas-Championnière is to be believed, this event took place before the defeat of St. Cyr, and consequently before the prince had arrived off the coast. But the evidence of Lucas-Championnière is capable of being used, and has been used, in quite another way. One thing comes out clearly, and that is confusion; and one almost regrets that Charette's vigorous and oft-quoted letter to Louis XVIII about his brother must be abandoned as a malicious invention. But probably the Comte d'Artois will never be free from the stigma which the special pleading of his present champion seeks to remove. In dealing with the mysterious incident of the *Tartu* M. du Breil does not go the length of believing that the soi-disant English officer, 'Ferdinand Christin,' captured with the five Frenchmen in October 1795 on board the *Swan*, was the Comte d'Artois himself, but he suggests that the prince was in one of the other British vessels. If this were so then he not only wished to land, but actually attempted it. This hypothesis rests on the fact that the Frenchmen captured in the *Swan* were all, curiously enough, attached in some way to the prince's person—his valet, his barber, &c. There are a few negligible errors in English names, but 'Drowning Street' is a real acquisition as a variant on the official address. D. K. B.

In publishing the first volume of his *Recueil des Actes du Directoire Exécutif* (Paris : Imprimerie Nationale, 1910), M. A. Debidour has inverted the usual progress of historical training. Whereas it is the more usual practice for a beginner to win his spurs by editing documents rather than by writing a book of his own creation, here we have M. Debidour, who has been well known for the last fifteen years as an historian who combines thoroughness of method with charm and lucidity of expression, producing

a volume of 867 pages in the well-known large quarto of the Imprimerie Nationale, devoted entirely to minutes and resolutions of the Directory during the first six months of its rule. Needless to say, the thoroughness which has hitherto characterized M. Debidour's work appears on every page of this volume; but Englishmen who are accustomed to the introductions to the Calendars of State Papers may not unreasonably complain that a writer so well fitted for the task as M. Debidour has not seen fit to summarize in an introduction the importance of the documents which he has printed. As it is, the volume is of immense value as a work of reference; but it is a little hard on the student that he should have no guide to direct him through such a mass of material in order to find out the policy of the Directory in regard to any particular question. And this inconvenience is greatly enhanced by the absence of any index, or of any catchwords to the substance of the paragraphs. M. Debidour in his prefatory note says he has deliberately suppressed the catchwords which were inserted for the guidance of the Directors, because the present work is to be closed by an index. But in a series such as this, it not unfrequently occurs that the close of the work is never reached, and the shapeless, undigested mass of documents remains a source of exasperation to the student. It would have been well to give an index at the end of each volume, as well as a general index. But here there is not even a table of contents such as is to be found at the end of each volume of M. Aulard's *Recueil des Actes du Comité de Salut Public*. In saying this we do not in the least desire to carp at M. Debidour's enterprise; it is a work for which all students of French history will be grateful; but its usefulness, in large measure, lies still in the future, whereas each volume, as it appears, might well have been made useful in the present. L. G. W. L.

It is a little startling to find in the genial and cautious pages of the *Proceedings of the Massachusetts Historical Society*, February 1911, a paper by Mr. Brooks Adams on 'The Convention of 1800 with France', maintaining that the retention by Great Britain of the Western Posts after the treaty of 1783 was a deliberate act of perfidy, and that it was only the breaking out of the war with France in 1793 which prevented the English from attacking the United States. The Western Posts were not restored, because, rightly or wrongly, the British government considered that the Americans had not acted justly in the matter of the provisions of the treaty regarding the loyalists; and it is ludicrous to suppose that Pitt, whose main interest was peace and who had imbibed his views regarding the Americans from his father, ever dreamt of a renewal of the war. It is true that Carleton, the governor of Canada, believed such a renewal to be not unlikely; but then he thought that the attack would be made by the Americans. H. E. E.

Professor J. H. Hollander's *David Ricardo* (Baltimore: Johns Hopkins University Press, 1910) summarizes the present position of Ricardian inquiry and appreciation in three just essays on the life, the work, and the influence. There is perhaps some lack of subtlety in the analyses of 'the influence', pro-

ably the necessary result of the book's origin in public lectures at Harvard. The life and work are treated with the abundant knowledge and sympathy which one would expect from an accredited 'Ricardian' like Dr. Hollander. From the city home of his father, a strict Jew of the Sephardim, to apostasy and fortune, the right to respectful hearing in the commons, a place in the country, and the acknowledged leadership of the little group of thinkers who were beginning to talk of the science of political economy, Ricardo moves easily and intelligibly. At every point the relations of his thought to fact, the workaday inspiration of much that to half-informed critics has seemed most unreal and arbitrary in his analysis of economic processes, stand clear. We see him among the men he liked and the events that he criticized or prepared, not tied to a set of formulae, but making and remaking his doctrine in the fast changing world that his biographer knows—the world of young industrial England in and after the wars. Those concerned with the psychic forces which shaped that world may well see something symbolic in his marriage with Priscilla Anne Wilkinson—the union of Quakeress and Jew. Historians of economic doctrine must weigh all Dr. Hollander's opinions: some will not welcome his decided adhesion to the view that the main stream of economic thought still flows from Ricardo. To general historians the study may serve as an inspiration to closer inquiries into the interactions of fact and thought. In any event this last picture of the real Ricardo, the man of analytic mind and awkward pen, respectful of the rights of vested interests, yet 'sympathetic and warm-hearted . . . a firm believer in the possibility of economic betterment', should help to kill the conventional Ricardo, who dies so hard.

J. H. C.

To attempt 'the presentation of the history of Europe since the downfall of Napoleon' in a volume of some 800 pages is a task from which many most competent historians would shrink. Professor C. D. Hazen's *Europe since 1815* (London: Bell, 1910) is, however, a really valuable and interesting survey, written with detachment as befits an American author, and with knowledge and insight. It is impossible to agree with every opinion expressed in a work of this type. That Great Britain, for instance, should have remained passive while Prussia altered the map of Germany in 1866 was surely no mark of 'singular fatuity', as Professor Hazen alleges (p. 267). Nor is he quite just in ignoring the social side of the policy by which Disraeli made British conservatism a popular creed. It is more remarkable that his narrative should be as bright and impartial as it is. The bibliography, which was compiled before the publication of the latest volume of the *Cambridge Modern History* is a good piece of work. We miss Lecky's generally under-estimated *Democracy and Liberty*.

G. B. H.

A Life of Sir Woodbine Parish by the Hon. Nina L. Kay-Shuttleworth (London: Smith, Elder & Co., 1910) has not only the virtues of a good family history, but is also a thoroughly competent biography of the writer's distinguished grandfather. Parish began his career in the public service

in Sicily at the early age of sixteen, and for the next twenty years had experiences of lasting interest. As attaché to Castlereagh, whom he greatly admired, during the allies' occupation of Paris, he helped Canova to extricate the spoils of the Vatican from the collections in the Louvre. His principal appointment was to the post of consul-general for Buenos Ayres in 1823, which matured into that of chargé d'affaires and minister plenipotentiary to the united provinces of the River Plate. He had thus the honour of carrying into effect Canning's recognition of the independence of those provinces in 1824, and his services to the Argentine Republic during its early struggles, particularly by establishing close trade relationship with England, were warmly recognized when he left Buenos Ayres in 1832. It is singular that Parish's public work then practically terminated, and that the remaining fifty years of his life were mainly spent in retirement and the pursuit of scientific tastes. G. B. H.

The first two volumes of the *Geschichte der Russischen Revolution*, vol. i (Gotha: F. A. Perthes, 1910, 1911), contain a translation by A. Schapire-Neurath from the Polish work of Ludwig Kulczycki, which deals with the conspiracies and revolts of almost annual recurrence in one part of the empire or another from 1825-86. The reasons for these incessant tumults and for their failure are exhaustively explained in the first volume, which ends in 1870. Considerable knowledge of Russian history is assumed on the part of the reader, but some phases are very clearly illuminated, e.g. the progressive deterioration in the condition of the serfs, which reached its depth during the gloomy reign of Nicholas I, 1825-55. An outline of the social and political conditions in Russia during the eighteenth century leads to the reign of Alexander I, at whose death took place the first revolutionary outbreak amongst the educated, led by officers who had seen western Europe in 1813-14 and returned to Russia, alive for the first time to the abuses under which she suffered. The failure of this and of all subsequent outbreaks, due to want of organization and over-estimation of their strength on the part of the revolutionaries, to the immense distances which separated their various affiliations throughout the country, and to the gulf which divided them from the peasants, as well as the lives and characters of the principal revolutionary leaders, their programmes and beliefs, are described by the author with scrupulous care; while the fact that he is a Pole enables him to add chapters on the revolutionary movement in Poland, a movement which has always been successfully exploited by the Russian government to deflect the too close attention of public opinion to home politics. Again, the author points out how, in the event of an unsuccessful adventure, e.g. the Crimean war, the government, with all its incapacity, corruption, and disorganization exposed, apprehending internal revolution, has always been forced to consent to some measure of liberal reform. The author, though his sympathies are with the revolutionaries, does justice to the various attempts at reform initiated from above, while his exposure of the want of organization and consistency on the part of the revolutionaries and on that of the government is equally discreditable to both. What the author does not give, and what is still needed, is an account of the origin, development, and acquisi-

tion of power of the caste which rules Russia, of that extraordinary mixture of German, Scottish, Greek, and Tatar blood which has swamped the Slavonic element in the Russian aristocracy, which by the consistent application of the principles of self-preservation has maintained authority in Russia for the last two centuries, given her what organization she possesses, and is still paramount to-day. The second volume carries the history of the revolutionary movement in Russia down to 1886, and deals particularly with the attempts at popularizing sedition, attempts which, with the growing industrial life of the country, were easy, and ended in the formation of revolutionary organizations amongst the peasants, and in the well-known forms of terrorism. N. F.

The third volume of Sir Herbert Maxwell's *A Century of Empire, 1801-1900* (London: Arnold, 1911), is an admirable survey of the period from 1869 to 1900, and is decidedly more weighty and more readable than its predecessors. No doubt the author's sense of proportion is sometimes open to criticism, and he does not disguise his political point of view; but he is never doctrinaire, and his own personal impressions of political affairs since 1880 are remarkably vivid and interesting. The striking picture of Lord Randolph Churchill's rise and fall affords a valuable supplement to the latter's official biography, while the narrative of the South African War is notably fair and succinct. G. B. H.

In *The First Decade of the Australian Commonwealth* (Melbourne: Mason, Firth, and M'Cutcheon, 1911) Mr. H. G. Turner confines himself to a chronicle of the doings of the commonwealth parliament. He writes in strong disagreement with the general trend of Australian legislation. H. E. E.

The bulky volume entitled *Controversial Issues in Scottish History*, by William H. Gregg (New York: Putnam, 1910), may be safely neglected by students of history. The author, a retired business man of St. Louis, believes, on grounds that are obvious if not adequate, that he is descended from 'Gregory the Great', properly called Ciri, Grig, or Greg, the reputed ancestor of the Clan Gregor, who is said to have reigned over Scotland in the days of King Alfred, and to have conquered Ireland and a great part of England. Skene's disrespectful treatment of the Macgregor pedigree and of the story of 'Gregory's' reign has moved the indignation of Mr. Gregg, and he has written this book to show the discordance between Skene's 'construction' of the history of the ninth century and the 'authentic' statements of Fordun, Major, Wyntoun, and the rest. For this purpose he has adopted the very original plan of giving some hundreds of photographic facsimiles of pages from a multitude of writers old and new. About seventy pages are thus reproduced from Skene's edition of *The Chronicles of the Picts and Scots* in the Rolls Series. There are facsimiles also from Skene's translation of Fordun and from his other works, from Innes's *Critical Essay*, from Dr. Giles's translation of Bede's *History*, from the 1795 edition of Wyntoun, and from gazetteers and other topographical works which speak of Dunnideer, the alleged place of residence of King

Grig. If Mr. Gregg's work is not likely to be taken seriously by historians, it cannot be denied that it has some interest as a literary curiosity. H. B.

Mr. Henry Bradley contributes to a volume of *Essays and Studies by Members of the English Association*, collected by Mr. A. C. Bradley (Oxford: Clarendon Press, 1910), a masterly paper on English place-names, in which he lays down scientific principles for their investigation and explodes a number of etymologies invented by amateur philologists. He is as instructive in the one part of his exposition as he is entertaining in the other. K.

One among the many indications of an awakening of interest in the methodical study of local etymology is the simultaneous appearance of two little books on *The Place-names of Berkshire*, the one by Professor Skeat (Oxford: Clarendon Press, 1911), the other by Mr. F. M. Stenton (Reading: University College, 1911). Professor Skeat's book will probably be found the more widely acceptable of the two, as it attempts to give, so far as possible, etymological explanations of all the prominent place-names of the county. Mr. Stenton's object is not so much the solution of etymological problems as the illustration of the early history by means of the evidence afforded by the place-names. He has therefore been able to confine his attention mainly to those names that admit of being interpreted with some approach to certainty, while Professor Skeat's plan compels him often to resort to admittedly doubtful conjecture in the absence of decisive evidence. In one or two instances, such as Blewbury and Waltham, his suggestions seem so improbable that it might have been better if he had contented himself with a simple *non liquet*; and in a few others he would certainly have adopted Mr. Stenton's conclusions if he had been acquainted with the documentary forms of the names. In general, however, Professor Skeat's etymologies are either certain or probable, and even where they are open to question his careful collections of the early forms retain their value. One interesting point which he brings forward is that the modern name Speen cannot possibly represent the Latin *Spinae*, so that the question of the identification of the site of the Roman station ought to be considered apart from the etymological prejudice which has hitherto influenced the judgement of antiquaries. His own conjecture as to the derivation of Speen, however, seems open to serious objection, though he is probably right in believing the name to be of Old English origin. There is a rather curious oversight in the article Padworth; the personal name Peada is said not to be found except in this place-name, though in fact it is somewhat conspicuous in the history of Mercia. Mr. Stenton's essay is a useful supplement to Professor Skeat's work. The writer's etymologies are nearly always sound (Mr. W. H. Stevenson, whose assistance is acknowledged in the preface, is probably entitled to some of the credit for this), and his remarks on the historical inferences derivable from the local nomenclature are often valuable. H. B.

A History of Maidenhead, by J. W. Walker (Hunter and Longhurst, 1909), is a useful and bright volume. The author, who was mayor

in 1905, writes with full knowledge of the corporation records for the last three centuries. The book deals mainly with the history of the last century, but as the population of Maidenhead has grown from 792 in 1811 to over 15,000, its modern history is important. Originally it was called Elenstone or Ellington, and seems to have been a hamlet on both sides of the high road, North Ellington being in the parish of Cookham and South Ellington in Bray. At the middle of the thirteenth century it is called Maidenhuthe, no doubt from a hithe or wharf at that spot, and within fifty years the name Ellington disappears. In 1581 it received a charter from Queen Elizabeth, by which it became a free town. By some chance the seal of one of the canons of Thiers, in Auvergne, found its way to Maidenhead, and was adopted as the town seal, and to this day it bears the legend 'Sigillum Iohannis Godayn canonici Thiern'. From the days of Leland it was remarkable for the numbers of its inns, and the author shows that there must have been more than twenty for a population of less than 800. Its residents have not been without fame: Mr. Gorham renowned for litigation, Mr. Timberlake for bicycles, and Mr. Rickman for architecture, either lived or were born at Maidenhead. On p. 105 there is a misprint of 1587 for 1537, and Lobbe Powys (pp. xii and 114) should be Lybbe Powys; the Latin on p. 56 is not successful. There is a good index, but there should be a map showing the position of the chapel and inns in old days.

H. E. S.

Cornbury and the Forest of Wychwood, by Mr. Vernon J. Watney (London: privately printed by Hatchards, 1910), is a sumptuous specimen of a type of book which is becoming rare nowadays when great landlords are less free to do justice to their estates in every direction than they used to be. And while Mr. Watney has spared no expense to make the volume as perfect as possible in paper, printing, and illustration, and not least in binding, he has also devoted years of labour to collecting all that can be gathered from published books, manuscripts, and records to fill in the history of a district of remarkable interest. The conditions of early forest law have been admirably expounded by Mr. G. J. Turner, and a few forests have been studied in some detail (e. g. Inglewood by Mr. F. H. M. Parker); but in order to understand the system we need a full collection of materials for one particular forest, and such a collection is furnished by Mr. Watney in the opening and closing chapters of his book and in four documentary appendixes. The forest included Cornbury Park and the manor of Langley, and the whole is now in one ownership. Wychwood was granted in dower to three queens, and under Edward IV and the Tudors to various nobles, but it was usually crown land until twenty-five years ago. Cornbury was disafforested in 1642 and granted to Henry Danvers, earl of Danby, while the adjacent manor of Langley¹ was commonly held with the rangership of the forest or the keepership of Cornbury. Down to the Restoration there was some sort of family link connecting the persons who held one or more of these estates and offices; but Charles II granted them all to the earl of Clarendon, with whose

¹ On p. 35 it would have been well to explain that Edmund of Langley, duke of York, took his surname from King's Langley in Hertfordshire.

descendants they remained until 1751. They were then acquired by the duke of Marlborough, and continued in the hands of his descendants until in 1896 Lord Churchill sold them to the predecessor of the present owner, to whom we are indebted for this noble book. Space forbids our lingering over the ample notices which Mr. Watney supplies of the many famous persons with whom Cornbury is associated. Among them Robert Dudley, earl of Leicester, and the first earl of Clarendon stand out conspicuous; but the names of Richard Beauchamp, earl of Warwick, William de la Pole, duke of Suffolk, Sir John Fortescue, the minister of Queen Elizabeth, Henry Danvers, and James, duke of Ormonde, with many more, show how closely the place is bound up with the general history of England. Among the illustrations special attention should be called to the portraits, more than fifty in number, which are finely reproduced, some of them from originals now at Cornbury or in the collection of Lord Clarendon at the Grove, Hertfordshire. L.

In *Versailles Royal* (Paris: Champion, 1910) M. J. Fennebresque presents a revised version of his *La Petite Venise*, published in 1899, together with a number of short studies on other matters relating to Versailles. He claims to examine the work of Louis XIV from its most practical aspect, dealing with the parks from a 'point de vue tout utilitaire'. The introduction of large quantities of water there is shown to have contributed to the advancement of hydraulic science, the nautical experiments on the Grand Canal to the improvement of the marine, and the methods of the palace gardeners to new departures in French horticulture. The first and most interesting chapters are those which deal with the nautical corporation of the 'Petite Venise', instituted at Versailles with a nucleus of Venetian gondoliers at the time when French enthusiasm for the Republic in her struggle against the Turks was at its height. The rule of the corporation was severe, but the privileges of its members marked. The duties of the boatmen were varied. They participated in the naval manœuvres and experiments held on the canal, and played a principal part in the water fêtes of the court. 'Tous les genres de construction navale se trouvaient réunis sur le Grand Canal.' Many vessels were made at Versailles, others were brought in sections from the ports. Special types of craft, and instances of experiments made with these for the benefit of the marine, are cited. M. Fennebresque deals in the latter part of this book with a variety of subjects which might have been arranged in a less haphazard manner: the Orangery, the Hermitage of Madame de Pompadour, the replantation of the Park, the promenades of the Court, the last years of Madame Elisabeth at Versailles, and so forth. He prints portions of three hitherto unpublished documents relating to the princess, a manuscript of the Countess de Polignac, three letters of Madame Elisabeth to the Marquise des Monstiers-Mérinville, and part of a *tragédie* which was inspired by the misfortunes of the king's sister. On the whole little that is new will be found in this volume, of which the footnotes are not the least useful feature. A bibliography of sources is appended. C. E. M.

M. Lucien Lambeau's *Bercy* (Paris: Leroux, 1910) is the first of a series of historical and topographical studies on the eleven suburban communes

which were annexed to the municipality of Paris in 1859. It is to the initiative of the central authorities of the department that this admirable effort to preserve the tradition of the merged communes is due; tradition much of which has been needlessly obliterated by the reckless rebuilding of a previous generation. M. Lambeau has done his work conscientiously and well: the value of his present volume is enhanced by plans, photogravure illustrations, and—a rare merit in a French publication—a satisfactory index.

F. A. S.

In Unknown Tuscany, by Mr. Edward Hutton (London: Methuen, 1909), is not wholly a 'pretty book', in spite of the charm of its illustrations and the lusciousness of its diction. The author generously ascribes to Mr. William Heywood the historical backbone of his scenes, and indeed the useful bibliographical notes of the appendix are by Mr. Heywood's experienced hand. Pius II probably made the reputation of Mont' Amiata by his references in the *Commentarii*, but the historical interest of the district is not confined to these. The reader will discover among the picturesque descriptions of scenery and peasant life much information about the great Benedictine abbey of S. Salvatore, its relations to its aspiring tenants and to the powerful communes of Siena and Orvieto. The Visconti of Campiglia d'Orcia form the main subject of one chapter, and the yet more important Aldobrandeschi that of another. Mont' Amiata and its immediate neighbourhood indeed supplies a compact epitome of medieval life in all its rougher aspects. Even the nineteenth century had its tragedy, and the concluding chapter describes the career and tragic end of David Lazzaretti, the New Messiah of Arcidosso.

E. A.

That indispensable handbook, *The Statesman's Year-Book* (London: Macmillan), has duly made its appearance for 1911, though the editor, Dr. J. Scott Keltie, has been deprived by death of the assistance of Mr. Renwick, whose name has for many years been associated with the work. It is unnecessary to say that the fullness of its information and the carefulness with which it is revised give it the highest rank among books of political and statistical reference.

M.

CORRECTIONS IN THE APRIL NUMBER

With reference to the grant by King Robert Bruce of the Sheriffdom of Cromarty, two forms of which were printed on pp. 328 f., it has been pointed out in a letter printed in the *Glasgow Herald* of 8 May that one of the two had been printed, with a facsimile, in the *National Manuscripts of Scotland*, part ii, no. 21, and also in Fraser's *Earls of Cromartie*, ii. 446. The writer, Mr. W. M. Mackenzie, considers that the chief interest of the deeds lies in their being a grant of a royal burgh by the king to a vassal.

On p. 380 the last line should be transferred to the foot of p. 381.

THE ENGLISH HISTORICAL REVIEW

NO. CIV.—OCTOBER 1911 *

England and Sicily in the Twelfth Century

III

IN judicial organization some contact between the Sicilian and the Anglo-Norman kingdom is suggested by the existence of officials who in both countries bear the title of justiciar. In Sicily, as in the north, the immediate judicial authority of the sovereign was at first exercised in gatherings of the *curia*, composed of the principal officers of the household and a varying contingent of lay and ecclesiastical lords, and acting in some instances collectively and in others through certain of its members set apart to give judgement in the particular case. Examples of decisions of this sort occur throughout the reign of Roger II⁸³ and again in the trial of the count of Molise in 1168.⁸⁴ While, however, the greater barons constituted a class which could not be ignored in the royal administration of justice, the professional element was present in the south from the outset, as an inheritance from the Byzantine government, in the local judges of the cities and the higher group of imperial *κριταί*,⁸⁵ and it early makes its appearance in the royal *curia*. The *κριτής* Nicholas of Reggio, who participates in the decision of a case in 1123,⁸⁶ may not have been a regular member of the *curia*, but William of Pozzuoli, who appears twice in 1142,⁸⁷ is called *μέγας κριτής* in 1143,⁸⁸ and is

⁸³ Caspar, nos. 42, 66, 80, 81, 145, 150, 156, 158, 198, 210, 211, 214, 224.

⁸⁴ Hugo Falcandus, p. 140. For the sorts of cases which came before the *curia* see Chalandon, ii. 641-4.

⁸⁵ Gay, *L'Italie méridionale et l'Empire byzantin*, pp. 555-60; Mayer, *Italienische Verfassungsgeschichte*, ii. 129 f., 157, 319.

⁸⁶ Caspar, no. 42. Mayer (ii. 396) makes him the supreme judge of Calabria.

⁸⁷ Cusa, ii. 558; Caspar, no. 150.

⁸⁸ Caspar, no. 156.

found acting as justice in 1145 and later.⁸⁹ In 1143 Rogerius filius Boni *iustificator curialis* attests judgements of the *curia* rendered at Salerno and at Capua,⁹⁰ and in 1150 the local justices Lampus de Fasanella and Florius de Camerata and the chamberlain Alfanus are members of the *curia* at Salerno.⁹¹ In 1158 we meet with three master justices of the royal *curia*, Rainaldus de Tusa, Avenel de Petralia, and 'iudex de Tarento',⁹² and Rainaldus is found acting alone in the following year.⁹³ Abdenago filius Hannibalis appears with this title in 1168,⁹⁴ and in the same year he and the *iudex* Tarentinus sit together in the larger *curia*.⁹⁵ In 1171 we again find three master justices, Tarentinus, John Burdonis, and Bartholomew de Placia;⁹⁶ and in 1173, the two last-named with the addition of the judge Persicus.⁹⁷ In 1173⁹⁸ and 1176 Persicus, Rainaldus de Monteforti, and Fredericus are master justices;⁹⁹ in 1183, William Malcovenant;¹⁰⁰ in 1185, Sanctorus;¹⁰¹ in 1186, William Malcovenant and Geoffrey de Marturano;¹⁰² in 1188, Geoffrey alone.¹⁰³ In none of these

⁸⁹ See below, p. 644, n. 119.

⁹⁰ Caspar, nos. 158, 159.

⁹¹ *Ibid.*, no. 224. In 1153 Romualdus mentions the justiciars as members of the *curia*. *Mon. Germ. Hist., Scriptores*, xix. 427. Compare below, in p. 660, n. 231, the notice of a *curia* held in 1147 by the king's son, Roger, duke of Apulia, where Henricus de Olgia, who is known to have been a justice from 1141 to 1153 (see below, p. 644 and notes), is among the witnesses.

⁹² 'In nomine Patris et Filii et Spiritus sancti amen. Anno incarnationis dominice millesimo centesimo quinquagesimo octavo, mense ianuarii, indictione .VII., regni vero domini W. Dei gratia gloriosissimi regis Sicilie, ducatus Apulie et principatus Capue anno viii°, ducatus vero domini R. gloriosi ducis Apulie karissimi filii sui anno iii°. feliciter amen. Nos Raynaldus de Tusa et Avenellus de Petralia et iudex de Tarento regalis curie magistri iusticiarii per hoc presens scriptum memorie mandamus qualiter ex precepto domini Ma[ionis] magni ammirati ammir[atorum] audivimus et intelleximus quasdam controversias que versebantur inter Gisulfum de Siclis regium iusticiarium et Robertum Brittum et eas subscripto fine terminavimus. Videlicet predictus [Gisul][fus] deposuit querimoniam adversus Robertum Brittum quod ipse tenebat quosdam duos villanos quos platea sua de Siclis continebat. . . . Scripsit Sanctorus domini regis notarius anno, mense, et indictione predictis. ✠ Signum proprie manus Raynaldi de Tusa regalis curie iusticiarii. [torn off] μεγάλης κέρτης κριτής δ ταραντίως υπήγραψα προσποιούς κύριω οικείῳ χειρί. . . . Matheus domini regis notarius. ✠ [] Burgundis regis iusticiarii.' Original in collection of charters from Messina in the Bibliothèque Nationale, MS. Lat. nouv. acq. 2581, no. 1a. Burgundis is likewise justiciar in 1168 (Hugo Falcandus, p. 146), but in neither case is anything said of a connexion with the *magna curia*.

⁹³ Garufi, *Documenti*, p. 81.

⁹⁴ Vatican MS. Lat. 8034, f. 30.

⁹⁵ Hugo Falcandus, p. 140; cf. p. 135, where the master justices are likewise members of the larger *curia*.

⁹⁶ *Doc. stor. sic.*, xvi. 2, p. 31.

⁹⁷ Cusa, i. 327; Gregorio, *Considerazioni*, bk. ii, ch. 2, n. 32.

⁹⁸ Garofalo, *Tabularium regiae Capellae*, p. 34.

⁹⁹ Among the witnesses to Queen Joanna's marriage settlement, Rainaldus and Persicus witness a sale to the *duana baronum* in the same year: *Doc. stor. sic.*, xix. 165; Siragusa, *Il Regno di Guglielmo I*, i. 193.

¹⁰⁰ Garufi, *Documenti*, p. 191.

¹⁰¹ Vat. MS. Lat. 8201, ff. 11 v, 102 v, 163. Probably Sanctorus is the royal notary of this name who attests from 1156 to 1169: *supra*, n. 92; *Historiae patriae Monumenta*, vii. 202; Siragusa, *loc. cit.*, ii, p. xxxiii. Cf. Kehr, pp. 55, 58.

¹⁰² Garufi, *Documenti*, p. 207.

¹⁰³ *Arch. stor. sic.*, xxiii. 150.

instances after 1168 is anything said of other members of the *magna curia*; apparently its judicial functions have passed to a body of professional justices.¹⁰⁴

The intermediate place between the *magna curia* and the city judges was occupied by a body of provincial justiciars which constitutes one of the best illustrations of the organizing ability of Roger II. The title *iusticiarius* does not appear in the south until 1136, many years after it was in current use in England and Normandy, and is in all probability of Norman origin;¹⁰⁵ but the institution of provincial judges may well be connected with the *κριταὶ θεματικοί* of the Byzantine administration, as perpetuated in the 'judge of all Calabria' who is found in 1099 and later.¹⁰⁶ The extension of this arrangement to other parts of the kingdom seems to have taken place about 1135, in which year King Roger commissioned the bishop elect of Capua and Haymo de Argentia, lord of Cicala,¹⁰⁷ to administer justice to all complainants in the newly acquired principality of Capua.¹⁰⁸ In May 1136 we find royal justiciars, apparently three in number, at Trani,¹⁰⁹ and in November of the same year three other justiciars at Taranto.¹¹⁰ Then comes a period when, doubtless as a result of the invasion of southern Italy by Lothair, we lose sight of all such officers, and they reappear only with the re-establishment of royal authority and the development of administrative organization in 1140 and the years immediately following.¹¹¹ The records which have reached us from these years, though fragmentary, show justiciars at work in all parts of the kingdom. In 1142 William, archbishop of Salerno, and Lampus de Fasanella appear at Salerno,¹¹² and in 1144 we find Hugh, count of Molise, at Trivento¹¹³ and Gibeles de Loria and Robert Kletzes in Calabria.¹¹⁴ In 1146 the

¹⁰⁴ Cf. Chalandon, ii. 632.

¹⁰⁵ Cf. Stubbs, *Constitutional History*, i. 378; Niese, p. 104. The earliest form in Sicily would, however, seem to be *iustificarius* or *iustificator*. See above, p. 642, and the references below, 110, 112, 122.

¹⁰⁶ Montfaucon, *Palaeographia graeca*, pp. 394, 401. Cf. Caspar, pp. 309-11; Mayer, ii. 396-8.

¹⁰⁷ Haymo is mentioned in 1136 (?), Naples archives, Fondo Monte Vergine, xxxix. 1; in 1143, Caspar, no. 159, archives of Cava, xxv. 69; and in 1145, *ibid.* xxvi. 21.

¹⁰⁸ Alexander Teleso, iii. c. 31 (Del Re, p. 144). Cf. Caspar, p. 307.

¹⁰⁹ Garufi, *Documenti*, p. 33.

¹¹⁰ Gattola, *Accessiones*, i. 254; cf. Chalandon, ii. 677.

¹¹¹ Cf. Caspar, pp. 308-12. The constable can likewise be traced beyond the reorganization of 1140: Paganus 'comestabulus domini regis Montis Fusculi' witnesses a charter of November 1137 (Naples archives, Fondo Monte Vergine, xli. 19).

¹¹² 'In curia quam dominus Guilielmus archiepiscopus istius civitatis et dominus Lampus de Fasanella regio iusticie iustificatores tenebant per iudicium baronum et iudicum recuperavit,' January 1142: archives of La Cava, xxv. 3, 38, 40.

¹¹³ Archives of Monte Cassino, capsa. 102, no. 2, printed in Gattola, *Historia*, i. 246; cf. Di Meo, *Annali*, x. 131.

¹¹⁴ *Rivista storica calabrese*, 1898, p. 390; Marc, *Plan eines Corpus der griechischen Urkunden*, p. 79, no. 3.

king's justice holds court with the catepan of Barletta.¹¹⁵ In 1148 four justiciars sit in a case at Pescara¹¹⁶ and two others at Aquino.¹¹⁷ In many instances the same judges can be followed year after year. Thus in Sicily, William Valerius and Avenel of Petralia are found in 1145, 1150, 1151, and 1153, as well as in an undated record of this reign,¹¹⁸ while Avenel, as well as William of Pozzuoli and Rainaldus de Tusa, who appear as members of the same court in 1145, can be traced under William I.¹¹⁹ At Bari William de Tivilla and Robert the seneschal are mentioned in Roger's reign and again in 1155;¹²⁰ and in the region of Salerno Florius de Camerata, justice with Lampus de Fasanella in 1150 and 1151, is in office as late as 1178.¹²¹ In the distant Capitanata Henry de Ollia, justice as early as 1141,¹²² sits with Bohemond Britto at Dragonara in 1148¹²³ and at Vieste on the coast of Monte Gargano in 1153.¹²⁴ Evidently a group of justices was assigned to a par-

¹¹⁵ 'Presentibus Sansone regali iustitiario et Petro de Salmuro regio catapano eiusdem civitatis necnon Bisantio et Gadelaito iudicibus,' January 1146: archives of Monte Cassino, pergamenae di Barletta, no. 53.

¹¹⁶ Archives of Monte Cassino, caps. 120, fasc. 10 a, no. 114 (1), printed in Gattola, *Historia*, i. 198.

¹¹⁷ 'Dum ego Machabeus iudex Aquinatis civitatis essem in curia quam Atenulfus Casertanus et Hector Atini regales iusticiarii [tenebant] in palatio Aquinensis episcopi pro iusticia facienda et ibi adesset dominus Guarinus eiusdem urbis pontifex aliique quamplures homines.' Archives of Monte Cassino, *Privilegia S. Mathei Servorum Dei*, p. 42. Atenulfus was chamberlain in 1145-6; *infra*, p. 659.

¹¹⁸ Garufi, *Documenti*, pp. 57, 62, 118; Kehr, *Urkunden*, p. 431.

¹¹⁹ *Supra*, p. 642, n. 92; Garufi, *Documenti*, pp. 81, 118; Cusa, i. 74, 317.

¹²⁰ *Codice diplomatico barese*, v. 190. Robert appears as justice with the catepan Leo in October of the same year: Monte Cassino, pergamenae di Barletta, no. 75.

¹²¹ See below, p. 649.

¹²² Crudo, *La Santissima Trinità di Venosa*, p. 240. In 1144 we also find, 'signum manus Henrici de Ollia iustificarii domini nostri magnifici regis.' Naples archives, *Monasteri soppressi*, i. 40.

¹²³ 'Anno dominice incarnationis millesimo centesimo quadagesimo nono mense octubris indictione duodecima, regnante domino nostro Roggerio invictissimo rege, breve recordacionis factum a nobis Guillelmo Draconarie iudice et Delecterio Florentinensi iudice, qualiter nobis presentibus aliisque viris ydoneis inferius annotatis dompnus Iohannes Dei gratia ecclesie sancti Leonardi prior, que sita est inter Sipontum et Candelarium in Lama Volari, et dompnus Attenulfus eiusdem ecclesie prepositus et dompnus Petrus sacerdos et alii fratres prephate ecclesie venerunt Draconarium eorum querimoniam preponentes coram domino Enrico de Ollia et Acboamundo [sic] Bructone regis iusticiariis ibidem curiam regentibus de episcopo Campo Draconario qui quasdam terras eorum monasterio pertinentes indebite molestabat: ' *ibid.*, i. 60.

¹²⁴ 'Breve recordationis adque convenientie factum a me Martino de Avalerio, qualiter habui alterationem cum domino Romano abbate Tremitane insule de quodam loco sancti Andree qui dicitur in Saccione, unde regali precepto stetimus in civitate Vesti coram domino Henrico de Ollia et Boamundo Brettone regalibus iusticiariis et Riccardo de Ollia et Gentile de Caniano et Guilielmo de Gradonzone et Ionathas de Iccitella et Uberto de Cavello comestabulo ac Sindolfo Alfano et Petro iudicibus Vestie.' Among the witnesses, 'signum sancte crucis feci manibus meis ego Boamundus Brittone regalis iusticiarius.' Cartulary of Tremiti in the Vatican, MS. Lat. 10657, f. 68; and in the Biblioteca Nazionale at Naples, MS. xiv. A. 30, f. 29 v. Gentilis de Caniano was justiciar at Bari in 1177: Crudo, *Venosa*, p. 255.

ticular region for a series of years, but, except in Calabria,¹²⁵ they do not seem as yet to have received the title, which we find under Roger's successors, of justice of the district.¹²⁶ For the reigns of William I and William II the evidence is somewhat more abundant, but does not indicate any fundamental changes in the institution. The professional element is more clearly discernible,¹²⁷ but the influence of the great lords continues to make itself felt in the administration of royal justice, and in some cases we know that the office of justiciar was an hereditary dignity in certain families.¹²⁸ *Magistri iusticiarum* now make their appearance in the provinces in the person of men of the rank and station of the counts of Andria,¹²⁹ Catanzaro,¹³⁰ Caserta, Loritello, and Lecce; and, accompanied by other justices, they preside, singly or in pairs, over a court which includes barons and ecclesiastics of high rank and is evidently more important than the ordinary justiciar's court.¹³¹ The court of the ordinary justiciar, or justiciars, is still composed of certain local judges and a number of barons or *boni homines*.¹³² Generally the chamberlain¹³³ of the district is a member, with or without the title of justiciar; he may also hold a court of his own,¹³⁴ but beyond the fact that the

¹²⁵ *Rivista storica calabrese*, 1898, p. 390. Compare the assize of 1150, Caspar, no. 223.

¹²⁶ Chalandon, ii. 680. For Val di Crati see also Vat. MS. Lat. 8222, f. 60 (1175); and for Calabria, Vat. MS. Lat. 8034, f. 30 (before 1166); Trinchera, *Syllabus graecarum Membranarum*, p. 294.

¹²⁷ Especially where we can find a local *iudex* acting as royal justiciar. So Amerusius, *Cod. dipl. barese*, v. 219, 223, 229, 233, 234, 241, 245, 249, 298; and Maior de Botonto, *ibid.* v. 191, 232, 280, *Catalogus Baronum*, p. 571a, *infra*, p. 647, n. 148.

¹²⁸ Thus Henricus de Ollia was succeeded by his son Geoffrey, who grants as 'Goffredus Ollie divina providente clementia comes Alesine et regalis iusticiarius domini Henrici Ollie bone memorie heres et filius': Cartulary of Tremiti (Naples MS. xiv. A. 30), f. 60 v. Compare archives of La Cava, I, 7; and Muratori, *Scriptores*, ii. 2, col. 1010.

¹²⁹ *Mon. Germ. Hist., Scriptores*, xix. 443.

¹³⁰ 'Contra pacem regiam et contra quod iussum fuerat ab illustri comite Hugone Catanzarii magistro iusticiario et comestabulo totius Calabrie:' Vat. MS. Lat. 8034, f. 30 v.

¹³¹ Cf. Chalandon, ii. 681-4. For other instances see Di Meo, x. 347; Muratori, ii. 2, col. 903; *Quellen und Forschungen*, ix. 245; archives of Monte Cassino, caps. 101, no. 61 (1172); archives of La Cava, xxxviii. 34 (1182).

¹³² e.g. Gattola, *Accessiones*, i. 262; Di Meo, x. 347; *Cod. dipl. barese*, v. 200; Crudo, *Venosa*, p. 255; and in the Naples archives, pergamene di Matera, no. 16 (ca. 1175), *Monasteri soppressi*, ii. 99 (1175), iii. 216, 217, 218 (1180), 242 (1182). Compare also Niese, *Gesetzgebung*, p. 134, n. 6; and on the *boni homines*, Gay, *L'Italie méridionale*, p. 560 f.

¹³³ Or frequently the constable: *Atti della R. Accademia di Archeologia* (Naples), iv. 367; Crudo, *Venosa*, 264 (where the Vat. MS. Lat. 8222, f. 58 v, has 'regius iusticiarius et comestabulus'); archives of La Cava, I, 41; Naples archives, Fondo Monte Vergine, xlvi. 28 ('ante dominum Hectorem Montisfuschuli comestabulum et regium iusticiarium', in 1174); *Rassegna pugliese*, xvii. 57; *Archivio storico per le Province napoletane*, ix. 346; Ughelli, vi. 552.

¹³⁴ See, for example, the notices of the courts held by the master chamberlain of Apulia and the Terra di Lavoro Bersacius in 1158 (Del Giudice, *Codice diplomatico*, i. app., xxiii; Naples archives, pergamene di Corato, no. 37) and in 1163 (Ughelli,

chamberlain is particularly concerned with the king's rights and the king's officials,¹³⁵ the evidence is not sufficient to enable us to draw with precision the line separating his jurisdiction from that of the justices.¹³⁶

According to an assize which probably goes back to Roger II's reign, the justices have jurisdiction over robbery, house-breaking, assaults on the highway, rape, homicide, ordeals, *calumnie criminum*, arson, and all forfeitures which place the offender at the mercy of the *curia* as regards his person or his property; while lesser offences were subject to the control of the *baiuli*.¹³⁷ A similar distinction between the higher and lower jurisdiction is drawn in various royal grants to ecclesiastical lords in which the regalian pleas are carefully reserved.¹³⁸ The list of offences

vii. 406), and by his successor John in 1167 (Gattola, *Accessiones*, i. 262). The chamberlain may also call himself justiciar: 'Sammarus regius camerarius et iustitarius,' at S. Clemente and Sulmona in 1163 (Bibliothèque Nationale, MS. Lat. 5411. f. 256); 'coram domino Achille regio iusticiario terre Idronti et camerario Basilic[ate],' in 1175 (Naples archives, Monasteri soppressi, ii. 99). Robert, chamberlain of Val de Segni and justiciar, below, p. 654, n. 191; cf. Vat. MS. Lat. 8222, f. 60.

¹³⁵ Mayor, ii. 410. For other instances see Caspar, no. 128, and the preceding note.

¹³⁶ The following illustrates the regular nature of the chamberlain's jurisdiction: 'Dum dominus Guilielmus Angeri filius suprascripti domini nostri regis camerarius curiam in Sarnum secundum mandatum regium iusticiam omnibus sue baiulacionis facturus teneret, et nos Enricus et Iohannes iudices Sarni et Iohannes et Riccardus iudices Nucerie in eadem curia ex mandato ipsius camerarii iuris dicendi causa sederemus, . . . audivimus sacras regias litteras ipsi domino camerario transmissas a regia maiestate ut omnia negotia de camerariatu principatus Salerni et cause que ante eum venirent iuste et rationabiliter determinarentur, ut pro defectu iuris ipsa magnifica curia que arduis et magnis negotiis intenta esset non defatigaretur.' Archives of La Cava, xxxx. 34 (1185). In the following case the chamberlain of the count of Lesina may well have been acting as subordinate to the count in the count's capacity as justiciar (see above, p. 645, note 128): the abbot of Tremiti, suing in 1157 the abbot of S. Giovanni in Plano, 'fecit proclamacionem Ruberto Malfridi filio tocius terre comitis Goffredi Alesine camerario ut de me ei iusticiam faceret, quo audito prefatus camerarius me ex parte domini regis et domini nostri comitis Goffredi summonuit ut ad terminum constitutum preparatus essem ad iusticiam faciendam prefato Tremitane ecclesie abbati in loco illo unde litigium erat. Unde termino constituto adveniente curia domini nostri regis ordinata ambo a[d] supradicti litigii causam diffiniendam in curia supradicto loco advenimus.' Original in the Chigi library at Rome, E. 6. 182, f. 55; copies in the Vatican, MS. Lat. 10657, f. 94, and at Naples, MS. xiv. A. 30, f. 42 v. We find justiciars delegating their authority: 'Residentibus nobis iudicibus Raone milite et iudice filio Hugonis ypati et Iacobo milite et iudice filio Andree iudicis qui ypati dicitur et precipue Hectore milite et iudice filio Rogerii a rege iudicis in civitate Cusentie per iusticiarium preceptum ad iusticiam optinendam pro nostri sensus capacitate inter Iohannem gravaretam Messine et Iohannem notarium Paterni' (1170, Naples archives, pergamene Baffi, no. 144). This was, probably later, forbidden: *Const. Sic.*, i. 48, 58, in Huillard-Bréholles, iv. 52, 178; cf. Niese, p. 170.

¹³⁷ No. 36 of the Monte Cassino collection (ed. Brandileone, *Il Diritto romano nelle Leggi normanne*, Turin, 1884, p. 136). Cf. Caspar, p. 312; Niese, *Gesetzgebung*, pp. 104-6. Certain additions were made to this list, probably under William II: Niese, pp. 166-8. On the jurisdiction of the *baiuli* over lesser crimes, see *Constitutiones Siciliæ*, i. cc. 65 f. (ed. Huillard-Bréholles, iv. 37 f.); and compare Chalandon, ii. 669; Niese, p. 166; and Genuardi, 'L'ordinamento giudiziario in Sicilia sotto la monarchia normanna e sveva,' in *Circolo giuridico*, xxxvi (1905).

¹³⁸ Caspar, p. 307; Mayor, ii. 406; Besta, in *Miscellanea Salinas*, pp. 295 f.

which belong to the king's justices presents curious resemblances to the *consuetudines* held by the duke in Normandy,¹³⁹ while the principle of forfeiting person or property to the *curia*, confirmed by an actual example related by Hugo Falcandus,¹⁴⁰ suggests the Anglo-Norman system of amercement which divides offences into three classes, according as the penalty is forfeiture of movables, of lands and rents, or of life and limb.¹⁴¹ The competence of the justiciars also extended to civil and administrative cases. King Roger is careful to notify the judges of Calabria of his legislation relative to the law of succession,¹⁴² and most of the decisions of which we have record concern disputed claims over lands or vills and complaints of the exactions of royal officers.¹⁴³ The determination of boundaries was, particularly in Sicily, a frequent duty of the justices, and in such matters considerable use was made of local inquests of old men of the neighbourhood.¹⁴⁴ As the *baiuli* had cognizance of such civil cases as did not relate to fiefs or feudal tenures,¹⁴⁵ it would seem that the civil jurisdiction of the justiciars was concerned with the disputes between feudal tenants; indeed, the specific statement to this effect in the legislation of Frederick II may well go back to a constitution of William II. Unless the reservation to the *curia* of cases concerning baronies and *feuda quaternata* can be similarly carried back,¹⁴⁶ no difference can be discerned between the matters which were brought before the *magna curia* and those submitted to the provincial justices, so that it seems probable that these were simply two forms of the same royal jurisdiction;¹⁴⁷ but the complaint would seem to have been lodged in the first instance with the *magna curia*,¹⁴⁸ and the justices regularly act by virtue

¹³⁹ *Ante*, xxiii. 504; *American Historical Review*, xiv. 461 f.

¹⁴⁰ p. 141. Compare also the forfeiture of movables in 1144, *Rivista storica calabrese*, 1898, p. 390; and on penalties against persons, Kehr, p. 286 n.

¹⁴¹ *Ante*, xxiii. 504 f. On this principle in Sicilian legislation, see Niese, pp. 29 f., 35, 57 f., 103, 105.

¹⁴² Caspar, no. 223.

¹⁴³ Besides the cases cited by Chalandon, ii. 677-9, see Gattola, *Accessiones*, i. 258; and p. 642, note 92, p. 644, notes 123 f., above.

¹⁴⁴ Caspar, nos. 9, 128, 145, 232; Garufi, *Documenti*, pp. 33, 57, 81, 118, 152; Cusa, i. 326; *Regii neapolitani archivii Monumenta*, v. 245 (1098); Ughelli, x. app., 368-9; Tromby, *Storia dell'Ordine cartusiano*, iv, p. clxi; Minieri Riccio, *Saggio*, i. 283.

¹⁴⁵ *Const. Sic.*, i. c. 65 (William), in Huillard-Bréholles, iv, p. 37; cf. Niese, p. 166.

¹⁴⁶ *Const. Sic.*, i. c. 44; Niese, pp. 168 f., where attention is called to the limitation, by the Assize of Northampton, of the jurisdiction of the itinerant justices to cases involving no more than half a knight's fee.

¹⁴⁷ So when the legislation of William I or II directs that unclaimed serfs should be turned over to the *magna curia*, it evidently means not that they are all to be sent to Palermo, but that they are to be held subject to the order of the king's court: *Const. Sic.*, iii. cc. 34, 35 (ed. Huillard-Bréholles, iv. 142); cf. *infra*, n. 191.

¹⁴⁸ 'Nos Guillelmus de Mansellera et Clarissa vir et uxor de civitate Horee pariter declaramus quoniam domina Eustochia olim venerabilis abbatissa monasterii sancte Marie de Brundisio detulit sacras litteras ex parte sancte regie maiestatis domino Oliverio terre Idronti regio iusticiario et domino iudici Maiori de Bontonto terre Bari

of a royal writ. The small number of extant writs, and particularly the absence of any such treatise as that of Glanvill, precludes a comparison with the procedure in contemporary England, where the writ-process had evidently reached a much higher point of development.

To the student of Anglo-Norman institutions, the most interesting aspect of the judicial organization of the Sicilian kingdom is the question whether there existed a system of itinerant justices. Mayer, the only writer who has seen the significance of this point, asserts that there was a connecting link of this sort between the central and the local courts; but, unfortunately, little of the evidence he cites in support of this statement will bear examination,¹⁴⁹ and the problem must be attacked anew. It should be observed at the outset that the local justices whom we have been considering were not necessarily itinerant justices in the English sense; they are, or tend to become, justices for a particular district, and while they hold court in different towns of the region,¹⁵⁰ their functions did not in themselves involve any closer relations with the central *curia* than is implied in the transmission of the royal writs under which they acted. On the other hand, the Sicilian kingship was less ambulatory than the Anglo-Norman,¹⁵¹ so that there was greater need of some system of provincial visitation by officers of the central government. Can we follow justices through different parts of the kingdom, or, better yet, can we

regio iusticiario, in quibus continebatur quod ipsa venerabilis abbatissa in sacra regia curia conquesta fuerat de nobis quod nos dissagiveramus prenominationum monasterium de torris que sunt in loco Ovidule' (1175 ?): Naples archives, *Monasteri soppressi*, ii. 99. For other cases brought before the *magna curia* see Ughelli, vi. 812, x. app., 371, 377; Tromby, *loc.cit.*, iv, p. cxlviii; Del Giudice, *Codice diplomatico*, i. app., li, liii; *Doc. stor. sic.*, xvi. 2, p. 121.

¹⁴⁹ When this evidence (ii. 399-408) is separated from other matter and sifted, Mayer's conclusion as to the existence of itinerant justices is found to rest on three instances. The first of these (p. 400, n. 107) is the presence of seven or eight justices at a judgement of the curia at Palermo in 1144, a number which he considers explicable only on the theory that most of them were provincial justices. The document from which this is taken is, however, in this form, a forgery (Kehr, pp. 321 ff.; Caspar, no. 156), and in the original version but one judge appears, William of Pozzuoli, who is found regularly at Palermo. In the second case (p. 400, n. 113), for some unaccountable reason Mayer places at Capua a transaction, witnessed by two judges of the *magna curia*, which plainly occurred at Palermo (*Doc. stor. sic.*, xix. 165). The third example is the presence of Florius de Camerata as a member of the curia at Messina in 1168, which is discussed below, p. 649. Mayer's power of jumping at conclusions is illustrated by his assertion that the circuits established by the Assize of Northampton, the first 'Bildung fester Bezirke für die iusticiarii', were borrowed from Sicily, where, if we count the *camerarius*, the number of justices was regularly three—quite ignoring the instances where the number of justices in the south was not three, and overlooking the fact that the English circuits were in a constant state of change throughout Henry II's reign. Mayer's results are accepted by Niese, p. 104.

¹⁵⁰ That the justices made regular visits to certain places in their district appears from a document of 1170 which fixes certain boundaries for S. Filippo d'Argiro (Garufi, *Documenti*, p. 119): 'et diffinit in feram ubi iustitiiarii solebant figere tentoria.'

¹⁵¹ This is plain from the royal itineraries.

see justices of the *magna curia* also holding local courts? The evidence is not abundant, but it is clear, and so far as it goes seems sufficient to establish the existence of such a connexion of the *magna curia* with the local administration.

In 1168 the decision of a dispute between the monasteries of St. Eufemia and Bagnara in a court held by the archbishop of Reggio and the bishop of Anglona, Malta, and Mazzara, is attested by Abdenagus, master justice of the royal *curia*.¹⁵² As the court was held at Messina where the king then was, this is not conclusive, but in 1185 we find Sanctorus, master justice of the *magna curia*, holding court at Messina 'as was his custom'.¹⁵³ It may, however, be urged that in Sicily the judges of the *magna curia* may have performed the functions which elsewhere fell to the ordinary justices; so let us turn to Pescara, at the other extremity of the kingdom. Here in 1175 Robert, count of Loritello and master justice, holds court with the judges of the *magna curia* and others, and the charter reciting the judgement is signed by two members of the *magna curia*, Master Peter and Master Thomas de Carbonara.¹⁵⁴ Another example is that of Florius de Camerata, who is found as justiciar in the region of Salerno between 1150 and 1178.¹⁵⁵ Now in 1168, as Mayer has pointed out, he is present at the *magna curia* at Messina and, possibly as master justiciar, is one of those who render judgement against the count of Molise;¹⁵⁶ and his relations to the royal court are so close that the king sends him as one of the emissaries to fetch Princess Joanna in 1176.¹⁵⁷ In 1172 we find him holding court, with the justice Lucas Guarna, at Larino, Eboli, and Salerno, and in the interval visiting the *magna regia curia*, where he receives

¹⁵² 'Ego Abdenagus filius Anibalis regie curie magister iustitarius interfui et subscripsi.' Vat. MS. Lat. 8034, f. 31v.

¹⁵³ 'Εμοῦ Σαντόρου μεγάλου κριτοῦ τῆς μεγάλης ῥηγκῆς κώρτης ἐν τῇ πόλει Μεσσήνη κατὰ τὸ ἡμῶν σύνηθες κώρτην κρατοῦντι.' Vat. MS. Lat. 8201, ff. 163, 162 v. The Latin version (*ibid.*, f. 11v) has: 'Dum nos Sanctorus magno regie curie magister iustitarius in urbe Messana more solito curiam teneremus.' Both are witnessed: '✠ Sanctorus magne regie curie magister iustitarius.'

¹⁵⁴ 'Nos Robertus palatinus comes Rotelli magister iustitarius . . . cum apud Aternum curiam regeremus . . . cum iudicibus magne curie, nobiscum habentibus in prefata curia . . . decrevimus . . . ✠ Ego magister Petrus magne curie iudex qui hanc sententiam dictavi et in hac cartula me scripsi. ✠ Ego Thomas de Carbonara qui huic sententie interfui et me in hac cartula scripsi.' Early copy in archives of Monte Cassino, caps. 111, fasc. 3, no. 28, printed in Gattola, *Historia*, i. 142, and *Accessiones*, i. 265. While Thomas of Carbonara does not sign as justiciar, he and Peter appear together as *iudices* in the preamble.

¹⁵⁵ Caspar, no. 224; Del Giudice, *Codice Diplomatico*, i. app. liii-lvi; archives of La Cava, I. 8 (1174); Romualdus, in *Mon. Germ. Hist., Scriptores*, xix. 460.

¹⁵⁶ Hugo Falcandus, p. 140; Mayer, ii. 400. Mayer is, however, wrong in identifying him with the iudex Tarentinus, who is otherwise known (see above, p. 642), and the passage of Falcandus does not necessarily mean that Florius was one of the master justices.

¹⁵⁷ Romualdus, *loc. cit.*, p. 442; Benedict of Peterborough, i. 115.

instructions to have the customs of Corneto reduced to writing.¹⁵⁸ The association of justice and finance was less close in Sicily than under the Anglo-Norman system; nevertheless we are justified in illustrating the nature of the connexion between central and local administration by examples drawn from the administrative jurisdiction of the *duana*. Geoffrey de Moac, *σεκρετικός* of the *duana* in February and October 1172, appears in the interval as master justice of the Val di Noto.¹⁵⁹ Two years earlier gaytus Richard, of the *duana*, left Palermo to investigate losses of royal property in the region of Messina.¹⁶⁰ In 1174 Eugene, master of the *duana baronum*, assembles a *curia* at Salerno to hear complaints against royal officers; ¹⁶¹ in 1178 he holds court at Minori and Nocera to decide a dispute between the citizens of Amalfi and those of Ravello. Walter Moac, master of the *duana baronum* and the *duana de secretis*, had considered a phase of the same dispute at Minori and Atrani; in July 1177 he is at Messina; ¹⁶² in May 1178, at Salerno; ¹⁶³ in February 1179, at Barletta.¹⁶⁴

How much of regularity and system entered into these local visitations on the part of justices and fiscal officers the surviving evidence does not make clear, nor do we know whether any special class of matters was reserved for their consideration; but while the institution may have differed in many points of detail from its Anglo-Norman parallel, it is hard to see what else could have suggested its establishment. The name justiciar points clearly to Norman influence, and while, as we have seen, the provincial justices may well have grown out of the Byzantine officials which preceded them in the south, no such explanation is possible for the itinerant officers of the *curia*. Nothing of the kind is found in the government of the Byzantine themes or the Lombard principalities; ¹⁶⁵ nor can a connexion be established with the Frankish *missi* or with the royal judges of Pavia who went about holding court in various parts of Lombardy and the Romagna in the

¹⁵⁸ Del Giudice, *loc. cit.* On the other hand, the presence of local justices such as Haymo de Argentia or Florius in the *curia* of the king at Salerno (Caspar, nos. 159, 224) is not conclusive with respect to their being itinerant justices.

¹⁵⁹ Garufi, in *Archivio storico italiano*, fifth series, xxvii. 248; Chalandon, ii. 683.

¹⁶⁰ Τὸν διέμβριον μῆνα τῆς ἰνδικτιῶνος δ' ἀπεσχωμένου τοῦ εὐδοξοτάτου καίτου Ῥικάρδου καὶ μεγάλου σεκρίτου ἐκ τοῦ Πανόρμου καὶ ἐξετάζοντα κατὰ ἀρπαχθέντα πράγματα τοῦ κραταίου βηγγὺς ὁμοίως καὶ τὰ τῶν Βελλάνων, κατηντίσει εἰς τὴν χώραν χάκι: Vat. MS. Lat. 8201, ff. 226 f. The indiction corresponds to 1170, the year (6680) to 1171. On gaytus Richard see Garufi, *loc. cit.*, p. 247.

¹⁶¹ *Arch. stor. napoletano*, ix. 346.

¹⁶² Camera, *Memorie di Amalfi*, i. 364-7.

¹⁶³ Archives of La Cava, xxxvi. 26, printed above, p. 445; Romualdus, in *Mon. Germ. Hist., Scriptores*, xix. 400.

¹⁶⁴ *Studi e Documenti di Storia e Diritto*, xxii. 275 (1901).

¹⁶⁵ Mayer, ii. 400; Poupardin, *Étude sur les Institutions des Principautés lombardes de l'Italie méridionale* (Paris, 1907), pp. 50-9.

period of the Saxon emperors, for in the twelfth century these officers have become localized and the judicial authority of the emperors in Italy reaches its lowest point under King Roger's contemporaries, Lothair and Conrad III.¹⁶⁶ In England and Normandy, on the other hand, Henry I had established a system of judicial and fiscal visitations,¹⁶⁷ which could hardly have failed to be brought to the notice of Roger II, and the relations between the two kingdoms under Henry II were such as to keep the Sicilian rulers well informed of the development of the Anglo-Norman institution. In this, as in other things, distance must have been less important than the essential similarity of the problem which the two central governments had to solve.

IV

As regards fiscal matters, the existence of a well-developed financial administration in Sicily has naturally suggested the likelihood of some connexion with the equally precocious organization of the Anglo-Norman exchequer; and by Bishop Stubbs,¹⁶⁸ as well as by Pauli¹⁶⁹ and Hartwig,¹⁷⁰ resemblances between the two systems were traced to the influence of the English ministers of King Roger in the formative period of the Sicilian state. Sicilian scholars, however, were quick to point out that the influence might equally well have been exerted in the opposite direction by Thomas Brown, while Amari¹⁷¹ emphasized the essential diversity of the two institutions, due, he declared, to the perpetuation by the Sicilian sovereigns of the fiscal system of the Fatimite caliphs. All such discussion, so far as it touches the relations of the two countries, has been of a rather superficial character, and it is well to remind ourselves at the outset how slight is the basis for any scientific comparison. While the origin of the exchequer still remains obscure, its workings under Henry II are, thanks to the *Dialogus* and the Pipe Rolls, understood with greater accuracy and fullness than any other institution of that age, and the surviving roll of Henry I justifies us in carrying

¹⁶⁶ Cf. Ficker, *Forschungen zur Reichs- und Rechtsgeschichte Italiens*, ii. 42 ff., 133. iii. 42-4. 421-5, 458.

¹⁶⁷ For England see Stubbs, *Constitutional History*, i. 423 f.; for Normandy, Haskins, *The Administration of Normandy under Henry I*, ante, xxiv. 209-31.

¹⁶⁸ *Constitutional History*, sixth edition, i. 408, n.

¹⁶⁹ 'Magister Thomas Brunus,' in *Nachrichten* of the Göttingen Gesellschaft, 1878. pp. 523-40. So also Brunner, in Holtzendorff, *Encyclopädie* (1890), p. 325.

¹⁷⁰ Hartwig and Amari, 'Sulla data degli sponsali di Arrigo VI con la Costanza, e su i divani dell' azienda normanna in Palermo,' in *Memorie dei Lincei*, third series, ii. 409-38.

¹⁷¹ In the memoir just cited. Amari's investigations have been supplemented by Garufi, 'Sull' ordinamento amministrativo normanno in Sicilia—Exhiquier o diwan,' in the *Archivio storico italiano*, fifth series. xxvii. 225-63. Compare also von Heckel, in the *Archiv für Urkundenforschung*, i. 372-94.

back its most essential features a generation earlier. With respect to Sicily, on the other hand, it cannot now be doubted that at least the name and the records of the *diwan* go back to Saracen antecedents, possibly reinforced by Byzantine survivals in southern Italy; but for its study there are no sources analogous to the Pipe Rolls or the *Dialogue*. The *diwan* had voluminous registers, called *defetir* or *quaterniones*, and extracts from its records of lands and villeins are contained in the *platee* and descriptions of boundaries which it issued;¹⁷² but its tax-rolls and account-books have wholly disappeared, so that its methods of doing business are quite unknown to us, and we are left in the dark respecting some of the most fundamental facts of its organization.

What we really know of the Sicilian fiscal system may be summarized briefly. Under Roger II we find, possibly as early as 1123,¹⁷³ a *duana* or *diwan*, which has two titles in the documents (*diwan al mamur*, *diwan at tahqiq al mamur*) but is probably only a single bureau.¹⁷⁴ It keeps lists of villeins and records of boundaries, and under the king's direction it issues official copies from these and makes payments and grants from the domain;¹⁷⁵ but there is no indication that it exercised any independent activity, and it would seem to have been merely a subordinate branch of the all-embracing *curia*.¹⁷⁶ Under William I no change is seen. The Greek name of the *duana*, *σέκπερον*, appears for the first time in 1161;¹⁷⁷ the *defetarii* are so mentioned in connexion with their destruction in the revolt of that year;¹⁷⁸ and we learn more explicitly, what was evident from the language of its earliest documents, that the officers of the bureau were largely Saracens.¹⁷⁹ With the accession of William II the documents relating to the *duana* become more abundant, although they still fail to make clear the procedure of the bureau or its relation to the other elements in the administra-

¹⁷² Amari, *Storia dei Musulmani*, iii. 324-6; Kehr, pp. 228-32; von Heckel, pp. 384-8; Genuardi, 'I defetari normanni,' in *Centenario di Michele Amari* (Palermo, 1910), i. 159-64.

¹⁷³ A charter of 1188 makes mention 'cuiusdam quaterni duane regie qui factus fuerat olim per manus protonotarii curie transactis annis sexaginta et quinque': *Arch. stor. sic.* xxiii. 151; cf. p. 27.

¹⁷⁴ Garufi seeks to distinguish two *diwans* where Amari had found but one, and his view is accepted by Caspar (p. 315) and Chalandon (ii. 649); but I agree with Besta (*Miscellanea Salinas*, p. 295) and Genuardi (p. 161, n.) that he has not established his case.

¹⁷⁵ Caspar, nos. 109, 184-7, 193, 216, 218.

¹⁷⁶ So Garufi, *loc. cit.*, p. 258; Caspar, p. 317; and for William I, Besta, *loc. cit.*, p. 294. Compare the use of *curia*, where the *diwan* is evidently meant, in *Doc. stor. sic.*, i. 19; Pirro, p. 979; *infra*, p. 654, n. 191; and throughout the *Catalogus Baronum*.

¹⁷⁷ Cusa, ii. 622.

¹⁷⁸ Hugo Falcandus, p. 69. Compare the mention of *quaterniones* in Ughelli, x. app. 369.

¹⁷⁹ Hugo Falcandus, p. 57.

tion. It still buys and sells land for the *fiscus* and issues *platee* and official certificates of boundaries and privileges.¹⁸⁰ Its officers go about recovering the king's property¹⁸¹ and enforcing the payments due to him;¹⁸² they hold court for the determination of boundaries and the decision of disputes concerning jurisdiction;¹⁸³ and they exercise a certain supervision over local *camerarii*, *stratigoti*, *baiuli*, and *portulani*.¹⁸⁴ The authority of the *duana* extends over the whole kingdom,¹⁸⁵ but its control over local officials is exercised by means of visitations on the part of its members¹⁸⁶ rather than, as in the English system, by calling these officials to the *curia* for a general account. After 1174 we find the two divisions of the *duana de secretis* and the *duana baronum*, the first having charge of the king's domain and domanial rights, the second apparently exercising an oversight over the fiefs and feudal dues; but while the records of the two offices were doubtless distinct, their personnel was, at least in the upper grades, identical, the same man appearing at different times as an official of one or the other *duana* or of both.¹⁸⁷

The controlling authority rested with a board of *magistri duane* or *ἄρχοντες τοῦ σεκρέτου*, in which the principal chamberlain

¹⁸⁰ Cusa, i. 37, 134, 179, 187 ('terre duane'), 243, 321 (delivery of archdeaconry of Messina), 484, 487, 489; Garufi, *Documenti*, p. 125; Pirro, ii. 1017; *Doc. stor. sic.*, xix. 163.

¹⁸¹ See the extracts printed above, p. 650, n. 160, and below, p. 654, n. 191; cf. *Const. Sic.*, i. c. 61 (Huillard-Bréholles, iv. 36).

¹⁸² Trinchera, *Syllabus graecarum Membranarum*, p. 311.

¹⁸³ Cusa, i. 80, 432; Bruel, *Chartes de Cluny*, v. 600; *Arch. stor. napol.*, ix. 346; *Studi e documenti di storia*, xxii. 275, 278; Camera, *Amalfi*, i. 364-7.

¹⁸⁴ Cusa, i. 487, 489; Minieri Riccio, *Saggio di Codice diplomatico*, sup. i. 21; *Studi e Documenti*, xxii. 278; *supra*, p. 445. Cf. *Const. Sic.*, i. c. 37 (Huillard-Bréholles, iv. 37).

¹⁸⁵ The assertion of Mayer and Niese (p. 164 f.) that the *secretum* was limited in its jurisdiction to Sicily and Calabria is disproved by the documents just cited from Cusa (p. 489) and Minieri Riccio, as well as by the numerous instances where Eugene Cali and Walter Moac are found at Minori, Atrani, Nocera, Salerno, and Barletta. See above, p. 650, notes 161-4.

¹⁸⁶ Besides the instances cited in the preceding note, compare above, p. 650, n. 160 and the following notice from Salerno, in 1174: 'Suprascripta venditio celebrata est per licentiam domini Eugenii magistri duane baronum qui a regia celsitudine ad partes istas delegatus est pro exigendis rationibus a baiulis partium istarum, eo quod pretium eiusdem venditionis datum est Bartholomeo regio ostiario pro minuendo debito de decem milibus tarenis monete Sicilie quos prefatus Landulfus a doana baronum cui preest gaytus Matara regius camerarius et senescalcus mutuo suscepisse dicitur. et ad ipsos tarenos recolligendos regia celsitudo predictum Bartholomeum ad partes istas delegaverat. . .': Archives of La Cava, xxxiv. 106.

¹⁸⁷ Garufi, in *Arch. stor. ital.*, pp. 240-50. Genuardi (p. 164) subordinates the *duana baronum* to the *duana de secretis*. Mayer (ii. 386) and Caspar (p. 316) assert that a single *magister* presided over each *duana*, a statement which is clearly seen to be erroneous from the evidence collected by Garufi and from other documents: 'Goffridus de Centurbio et gaytus Bulcassem magistri duane nostre de secretis,' in a charter of 1172 (Bruel, *Chartes de Cluny*, v. 600); Eugene and Walter Moac both with the title 'magister regie duane baronum et de secretis' in a document of 1178 (Camera, *Amalfi*, i. 364-7).

of the palace, as treasurer, probably occupied the chief place.¹⁸⁸ These officials were not cut off from the other branches of the administration: Walter Moac, *magister duane de secretis et duane baronum*, served also as admiral;¹⁸⁹ Geoffrey Moac, *σεκρετικός* in February 1172, is later in the year master justice in the Val de Noto and in the autumn appears as *σεκρετικός* again.¹⁹⁰ Even where we cannot trace the interchange of officers, the connexion between justice and finance is seen in the fact that disputes concerning boundaries are determined now by the justiciars and now by the officers of the *duana*, and that justiciars might be set to recover the king's property under the order of the *magister palatinus camerarius*.¹⁹¹ Still the *magistri* and *σεκρετικοί* are evidently expert officials whose primary functions are fiscal; the *cursus honorum* of many of them can be followed through a considerable period;¹⁹² and there are glimpses of a staff of ushers, clerks, and collectors quite in consonance with the

¹⁸⁸ Garufi, *loc. cit.*, pp. 251, 256 f.; Besta, *loc. cit.*, p. 291; Cadier, *Essai sur l'Administration du Royaume de Sicile*, p. 293 (document on the chamberlain's functions perhaps going back to the twelfth century). Compare the mention of gaytus Matara, above, p. 653, n. 186 and *Doc. stor. sic.*, xix. 165; gaytus Ricardus above, p. 650, n. 160, and below, n. 191; and Darius 'privatus palatinus camerarius et magister regie duane baronum' under Tancred in 1193 (archives of La Cava, xliii. 83).

¹⁸⁹ Walter Moac witnesses as admiral in 1176 (Benedict of Peterborough, i. 171); in 1177, 1178, and 1179 he is 'regii fortunati stolii ammiratus et magister regie duane de secretis et duane baronum' (*Studi e Documenti*, xxii. 275, 278; Camera, *Amalfi*, i. 364-7; *supra*, p. 445); and he is in command of the fleet in 1180-1 (Chalandon, ii. 398).

¹⁹⁰ Garufi, *loc. cit.*, p. 248, who is, however, in error in making Geoffrey master justice in 1183.

¹⁹¹ 'In nomine domini nostri Iesu Christi cuius salutifere incarnationis anno millesimo centesimo octuagesimo tercio mense Ianuarii [indictione prima], regnante domino nostro secundo W. felicissimo rege Sicili' (*sic*) ducatus Apulie et principatus Capue, anno regni eius septimo decimo adveniente feliciter per Apuliam. Nos Bereng[arius] Latronici et Robertus camer[arius] Vallis Sinni regii iusticiarii magna curia et maiestate preceptum recepimus a magistro palatino camerario domino gayto Riccardo magistro regie duane de secretis ut pergeremus per terras universas iusticiaratus nostri de regio demanio et diligenter et studiosissime inquireremus si villani possessiones ab aliquibus ex ipso regio demanio essent occupata vel detenta que fuerunt disraynata tempore gayti Thome qui regie [duane] de secretis camerarium tenebat vel postea occupata fuerunt, et revocaremus in regium demanium et per litteras nostras quecumque inveniremus occupata regie magne curie significaremus. Ad eo (*sic*) nos volentes regia precepta adimplere [Gra]vinam congregatis coram nobis iudicibus militibus iuratis et probis veteribus hominibus ipsius terre fecimus ante eos [legi preceptum] magistri regie duane et iussimus iuratis et iudicibus et aliis probis hominibus ut iuxta edictum regii mandati nobis dicerent qui venientes unanimiter cum veridica recordacione plenarie nobis exponerent. Qui dixerunt de casali et Chursosimi et obedientiis et pertinenciis eiusdem quia dominus Ugo Clarimontis qui fuit dominus de Noa dedit casale et ecclesias. . . . Original. damaged, in Archives of La Cava, xxxviii. 117.

¹⁹² See particularly Garufi, pp. 246-8, 252 f.; and cf. also the career of Walter Moac (*supra*, n. 189) and of Abul-Kasim, ἀρχὴν τοῦ σεκρέτου with John the scribe in 1168 (Cusa, p. 484), master of the *duana de secretis* with Geoffrey de Centurbio in 1172 (Bruehl, *Chartes de Cluny*, v. 600), and prominent at the court of William II (Hugo Falcandus, p. 119 and n.).

bureaucratic character of the Sicilian government.¹⁹³ Nevertheless, bureaucratic as the Sicilian *duana* was, it was by no means the faithful copy of the Fatimite *diwan* which Amari tried to make out, for the *diwan at tahqiq al mamur* of the caliphs consisted of a body of clerks under a single head, and the separation of justice from finance was one of the fundamental features of the Mohammedan system. Contrary to Amari, there is a certain analogy between the *ἄρχοντες τοῦ σεκρέτου* and the organization of the exchequer, and the analogy is still closer if one accepts Garufi's view of a subordinate treasury, which would correspond to the lower exchequer; but at best the resemblances are hardly close enough to render imitation probable. As institutions it is not likely that the exchequer of Henry I and the *diwan* of King Roger owe anything to each other, unless it be through the influence of the itinerant justices upon judicial and fiscal organization in Sicily. In matters of practice it is quite possible that Roger's *diwan* may have taken something from the English system, and that Thomas Brown, whose third roll was in itself a noteworthy innovation, may have turned his familiarity with the Sicilian procedure to account during his long service at the exchequer. So long, however, as we do not know what the Sicilian procedure was, influences of this kind are mere possibilities and as such cannot be the subject of profitable discussion.

V

There is, however, one set of records in the two kingdoms which does admit of comparison, namely, the registers of feudal tenants; and it is surprising, in view of their striking parallelism, that no one has as yet attempted a comparative study of the South-Italian *Catalogus Baronum* and the returns collected by Henry II for England in 1166 and for Normandy in 1172. The *Catalogus*, which has come down to us in an Angevin register of 1322,¹⁹⁴ is a statement of the military obligations of tenants and sub-tenants, arranged in some instances by constabularies, but generally under the counts or other great lords of which the fiefs were held, the whole being grouped in a rough geographical

¹⁹³ Besides those mentioned by Garufi, cf. 'Bartholomeus regius ostiarius' in n. 186; and 'Eleazar regie duane hostiarius et serviens', who witnesses the document of 1183 of which the earlier part is printed above, p. 654, n. 191.

¹⁹⁴ Naples archives, reg. 242, ff. 13-62. A critical edition is lacking; the most accessible text is that of Del Re, *Cronisti e Scrittori*, 571-615, which is the one here cited. I have collated the significant passages with the register. The entry relative to the bishop of Teramo (p. 610 b), without the bishop's name and the *augmentum*, is also found in the cartulary of this see: Savini, *Il Cartulario della Chiesa teramana* (Rome, 1910), p. 66 and plate 2. There is an excellent study of the *Catalogus* by Capasso, *Sul catalogo dei feudi e dei feudatarii delle provincie napoletane*, in *Atti della R. Accademia di Archeologia*, iv. 293-371 (1868).

order. Omitting Sicily and Calabria, which were administered together under the Normans and the Hohenstaufen, the list begins with Apulia, Basilicata, and the Terra di Otranto, deals next with Capitanata, the Molise, the Principati, and the Terra di Lavoro, and ends with a full treatment of the region of the Abruzzi. In most cases the name and the obligations of the fief have been declared by the tenant himself (*sicut ipse dixit*), sometimes by his lord, frequently by a royal chamberlain or constable. In several instances the information has been taken from the registers of the government (*sicut inventum est in quaternionibus curie*); such references are confined to the region of Apulia and the Terra di Otranto, and in one case mention is made of *quaterniones* at Taranto which are obviously distinct from the *quaterniones curie*.¹⁹⁵ Evidently the *Catalogus* is not the earliest list of the sort which existed in the Norman kingdom,¹⁹⁶ and it may well have owed its origin to the effort of the government to secure for the whole of its continental territory such a record of military obligations as it already possessed for the south-east.

As regards the date when the *Catalogus* was drawn up, attention was early called to the mention of a king William,¹⁹⁷ which

¹⁹⁵ 'Robertus Spirilintus, sicut inventum est in quaternionibus curie, tenet Turritum, quod est feudum quatuor militum, et Iohē, quam tenet de principatu Tarenti et est feudum trium militum, et cum augmento obtulit milites quatuordecim et servientes quadraginta. In quaternione vero Tarenti scriptum est quod debet servīre de ipso castello Iohē cum augmento quod ei pertinet' (p. 571 b). Cf. pp. 575 b (where the manuscript has 'feudum trium militum'), 589 a, 589 b ('est scriptum in quaternionibus predicti principatus Tarenti'). I am disposed to call special attention to the fact, which seems to have been overlooked, that reference to the *quaterniones* is found only in the south-east, and that this is the only part of the territory covered by the *Catalogus* which was under a vigorous Byzantine administration at the time of the Norman conquest. A connexion with the Byzantine *κώδικες στρατιωτικοί* has been suggested by Mayer (i. 427). Von Hockel's view of the Arabic origin of the feudal registers and of feudalism itself in the south (*Archiv für Urkundenforschung*, i. 383-91) involves the assumption, among others, that they were brought to the mainland from Sicily.

¹⁹⁶ The *quaterni fiscales*, however, mentioned in a charter of Duke Roger of 1087 (Archives of La Cava, C. 12; printed in the appendix to Ventimiglia, *Difesa della Giurisdizione . . . della Cava nel Feudo di Tramutola*, Naples, 1801) do not, as has been supposed (Capasso, pp. 321, 352; Garufi, in *Arch. stor. ital.*, xxvii. 244, 261; Genuardi, in *Centenario Amari*, i. 163) relate to the obligations of the barons. See Chalandon, ii. 649. Moreover this charter, repeatedly used as a source for the institutions of the eleventh century (e.g. Chalandon, ii. 504, 508, 511, 521, 530 f., 535 f., 557, 616, 649, 671, 690, 696), is an evident forgery. Both in substance and in external appearance it reveals close resemblances to the forged bull of Urban II of 1092 for La Cava (Jaffé-Löwenfeld, no. 5467; P. Kehr, in *Göttingen Nachrichten*, 1900, p. 203); and comparison with genuine charters of Roger for the abbey, such as that of March 1089 (Archives, C. 17), shows that the concessions of this prince have been elaborated and later phrases introduced (e.g. 'tam reales quam personales'). La Cava was an active centre of forgery (K. A. Kehr, *Urkunden*, p. 319, n.); without defending the authenticity of the more doubtful documents, Don Martino Martini seeks to save their substance (*Rivista storica benedettina*, iii. 201-32).

¹⁹⁷ p. 581b.

would bring it within the reigns of William I and II and the years 1154–89, and of a *magna expeditio* or *magnus exercitus*, which was long identified with a supposed crusade of 1187. Recently, however, Chalandon has shown,¹⁹⁸ what should have been evident to students of feudal institutions, that these expressions do not relate to any particular expedition but denote the general levy, or *arrière-ban*, in contrast to the ordinary feudal service; while Capasso pointed out that many of the persons mentioned in the *Catalogus* had been dead long before the date of the supposed crusade. All these, Capasso thought, could be brought within the years 1154–69 but not into any single year, for he discovered, what is of the first importance for the study of the *Catalogus*, that it bears evidence of a considerable amount of revision and correction, which can be traced in changes of name by which one tenant appears in the title and another in the body of the text, and in additions which stand in contradiction with other parts of the document. When, however, he attempted to fix this revision in the year 1161 and to connect it with the restoration of the records destroyed that year in the sack of the palace at Palermo, Capasso was led to disregard certain of the dates which he had himself established; and further study of the *Catalogus* shows clearly that what we have to allow for is not a general revision, but a series of corrections made from time to time in an unsystematic fashion.¹⁹⁹ Such changes, indeed, had been anticipated when the *Catalogus* was first drawn up, for in many cases we have only the heading, doubtless left to be filled in later, and frequently it is noted that further inquiry is to be made on specific points.²⁰⁰

While then the *Catalogus* cannot be assigned to any single year, it is nevertheless important to fix its chronological limits. The greater number of the names which can be identified fall, as Capasso has shown, between 1154 and 1169, and these dates have been accepted by Chalandon and von Heckel. If, however, we fully accept the conclusion that the *Catalogus* was revised and corrected from time to time, the chronological problem becomes less simple than these writers have conceived it. The statement that after the death of Roger Bursellus his constablership was conferred by King William upon William Scalfontus²⁰¹ has been

¹⁹⁸ *Domination normande*, i, p. vii f.

¹⁹⁹ See Durrieu, in *Mélanges de l'École de Rome*, vi. 210; and especially von Heckel, *loc. cit.*, pp. 389 f.

²⁰⁰ e.g. pp. 576 b, 580 a, 582 b, 585.

²⁰¹ 'Post mortem Rogerii Burselli ex precepto domini regis Guilielmi Scalfontus statutus est comestabulus eiusdem comestabulie, quam tenuerat Rogerius Bursellus' (p. 581 b). It is possible that the original MS. read 'Guilielmus', which would eliminate the king's name. Indeed, Hugo Bursellus, just below, 'tonet de eodem Guilielmo,' but the next entry sums up the siefs of Guilielmus Sancti Fraymundi, which shows that the passage in its present form is too fragmentary to serve as the basis of any sure conclusion.

interpreted as fixing the *Catalogus* in the time of William I or II—plainly William I, since in his son's time it would have been necessary to distinguish the two in some fashion—without considering the possibility of this being a later entry. As a matter of fact, it appears from another passage²⁰² that Roger Bursellus had been alive at the time the returns were made, when he declared his service as holder of the fief of Torricella, though this has now been granted to Scalfonus, so that the entry concerning King William's appointment is evidently a later gloss, made necessary by the death of Roger Bursellus and substituted for the original heading in which he doubtless appeared as constable. Now if this change had been made by the king under whom the original *Catalogus* had been drawn up, there would have been no point in calling him King William, for everywhere else throughout the text the king is simply *dominus rex*. So far as this entry shows anything, it indicates that King William, instead of being the king under whom the returns were originally made, is mentioned by name only in a later entry, and then to distinguish him from some other king. And this king could have been no other than his predecessor, the first Sicilian king.

The view that the fundamental part of the *Catalogus* goes back to the reign of King Roger is supported by a number of other facts. In the first place, it should be noted that various barons there mentioned belong at the latest to the very beginning of William I's reign. Thus, Geoffrey, count of Montescaglioso, lost his fiefs in 1156;²⁰³ Benedict, abbot of San Giovanni in Venere, died not later than 1155.²⁰⁴ More significant is the appearance in the *Catalogus* of Oderisius, abbot of San Clemente in Pescara, who died 12 December 1152,²⁰⁵ more than a year before Roger. Capasso tries to explain this on the theory that his name was inserted because his successor was not recognized by the lay power, but surely in that case the compilers of the catalogue would have omitted the name of the abbot altogether, as they did in the case of nearly all of the other ecclesiastical tenants. If Oderisius is called abbot, it must have been because he was abbot when the returns were made.

It has not as yet been observed that the chamberlains and constables who are mentioned as collecting the returns of the

²⁰² 'Rogerius Bursellus dixit quod tenet de eodem comite in domo Turricellam . . . et de hoc debet respondere Guilielmus Scalsus, cui balium commissum est' (p. 601a).

²⁰³ Hugo Falcandus, p. 22. Hugh, count of Molise, also died in the early years of the reign; *ibid.* p. 32. It is not clear that, as Capasso says (p. 328), Philippa, marchioness of Gravina, was dead in 1157; see Garufi in *Centenario Amari*, i. 54. On the other hand William d'Avenel, who has been replaced in the revision of the *Catalogus* (pp. 594b, 596b; cf. Capasso, pp. 313, 315), is mentioned as early as 1134 (Caspar, p. 128.)

²⁰⁴ p. 609b; see Capasso, p. 329.

²⁰⁵ p. 610a; see *Chronicon Casauriense*, in Muratori, ii. 2, col. 893; and on the vacancy after his death, P. Kehr, *Italia Pontificia*, iv. 302, nos. 8-11.

Catalogus can in most instances be shown to have been officers of Roger II. Thus the chamberlain Alfano, who appears some forty times in the catalogue,²⁰⁶ was sent on a mission to France in 1140²⁰⁷ and acts as justiciar at Salerno in 1150 and 1151,²⁰⁸ along with Lampus de Fasanella and Florius de Camerata, both of whom are prominent in the catalogue.²⁰⁹ Lampus is found as early as 1128,²¹⁰ but as the list has reached us, while frequently mentioned as constable, he has ceased to possess his lands.²¹¹ Another well-known chamberlain is Ebulus de Mallano, who is found in documents of 1140–50,²¹² and is perhaps identical with the justiciar Ebulus who was at Trani in 1136.²¹³ The chamberlain Atenulfus de Caserta²¹⁴ is found at Amalfi in 1145, at Salerno in 1146, and at Aquino in 1148;²¹⁵ and Robert, count of the Abruzzi,²¹⁶ acts as judge in 1148.²¹⁷ Guimundus de Montellar, who appears as constable in the *Catalogus*,²¹⁸ holds court at Troia in Roger's reign;²¹⁹ and another constable, Gilbert of Balbano,²²⁰ can be traced in 1152 and 1155, and died in 1156.²²¹ William de Tivilla and Robert the Seneschal, mentioned in the catalogue,²²² are justiciars under Roger and in 1155;²²³ yet when the list was first drawn up William's fief of Nusco was in possession of his elder brother Simon, who probably died before the close of Roger's reign.²²⁴ It is not, of course, implied that none of these were in office later, but I have been unable to trace Lampus beyond Roger's reign or Alfano beyond 1156,²²⁵ while the only identifiable constable or chamberlain who has an im-

²⁰⁶ pp. 586 ff.²⁰⁷ Chalandon, ii. 106.²⁰⁸ Caspar, no. 224.²⁰⁹ pp. 583 b, 584–7.²¹⁰ Archives of La Cava, F, 44: cf. G, 14 (1134), and xxviii. 37 (1152); *supra*, p. 643.²¹¹ 'Curia tenet quod tenuit Lampo de Fasanella (p. 583 b); cf. p. 585 a.²¹² pp. 584 a, 596 b, 597; Caspar, nos. 128, 225; Pratillo, *Historia principum Langobardorum*, iii. 267; Gattola, *Accessiones*, i. 257. Ebulus appears, though not as chamberlain, in 1161 (archives of La Cava, H, 36), but he has been succeeded by his son on p. 586 b (cf. Capasso, p. 314).²¹³ Garufi, *Documenti*, p. 34. Gibel Lorie (p. 587 a) was likewise one of Roger's justices (*supra*, p. 643).²¹⁴ pp. 594 b, 597 b, 600 a.²¹⁵ Camera, *Memorie di Amalfi*, i. 342; archives of La Cava, xxv. 117 (Atenulfus domini regis camerarius as judge in 1146); *Privilegia S. Mathei Servorum Dei*, p. 42, in archives of Monte Cassino ('Atenulfus Casertanus et Hector Atini regales iusticiarii' in 1148).²¹⁶ pp. 601 f.²¹⁷ Gattola, *Historia*, i. 198.²¹⁸ p. 582 a.²¹⁹ Capasso, p. 367. This charter is witnessed by the chamberlain Leo of Foggia, who appears in the *Catalogus*, pp. 580 b, 582 a.²²⁰ pp. 583 a, 589 a.²²¹ Chalandon, ii. 70, 329; *Necrologio di S. Matteo di Salerno*, ed. Garufi, p. 108, from proof-sheets kindly communicated by Professor Garufi.²²² pp. 571 a, 572 a, 589 b.²²³ *supra*, p. 644.²²⁴ Capasso, p. 315. Simon de Tivilla makes a grant, witnessed by William, in 1143: Naples archives, *Monasteri soppressi*, i. 35. It is not likely that William was made justiciar before coming into possession of his lands.²²⁵ Ughelli, vii. 400.

portant place in the *Catalogus*²²⁶ and is not found under Roger is Abdenago filius Annibalis,²²⁷ certain of the entries relating to whom are clearly later additions.²²⁸

Other elements in the catalogue likewise agree better with Roger's reign. The mention of the elect of Troia and the elect of Muri²²⁹ is natural at a time when for lack of papal approval a large number of the Sicilian and South-Italian bishops were so styled;²³⁰ indeed the bishop of Troia is called elect in 1147,²³¹ while he is addressed as bishop in documents of 1156.²³² Similarly the references to the principality of Taranto and its records²³³ have more point in Roger's reign, when it was held as a separate appanage, than in the time of William I, who kept it in his own name.²³⁴ Indeed, it is more natural to associate the whole idea of such a record as the *Catalogus* with the organizing hand of Roger II than with his son. The king who established justices and chamberlains for his kingdom, called in all privileges and *platee* for inspection and confirmation, had at his disposal the elaborate fiscal registers of the *diwan*, and kept written account of all that was his,²³⁵ was not the man to go without some record of the military resources of his dominions, especially if something of the kind was already in existence for the region of Apulia. Once formed, such a list would be annotated and corrected from time to time by the officers of the *curia*, until it grew into the *Catalogus* as we have it; but in most cases it is no longer possible to discern the extent of the changes thus introduced, although a critical edition may attempt something in this direction when the charters of southern Italy have been gathered and sifted

²²⁶ Marinus Russus, however, camerarius in the *Catalogus* (p. 585), is probably the Marinus camerarius who is found at Capua in 1161 (Di Meo, x. 271) and the Marinus Rubens of 1163 (Ughelli, vii. 401); and it is probable that the Rogerius Flamengus of the *Catalogus* (pp. 571 a, 573 b, 576 b, 578 a) is the justiciar and constable Rogerius Flandrensis who holds court at Mottola in 1155 (Archives of La Cava, xxviii. 120; cf. *Rassegna pugliese*, xvii. 57) and at Barletta in 1158 (Naples archives, pergamine di Corato, no. 37). Raynaldus filius Fredaldi (*Catalogus*, pp. 574 b, 581 b, 582 b) holds court as chamberlain at Salpi in 1158 (archives of Monte Cassino, pergamine di Barletta, no. 83).

²²⁷ He is twice mentioned as *magister institutarius* at Messina in 1168. Hugo Falcandus, p. 140; Vat. MS. Lat. 8034, f. 31 v.

²²⁸ 'Et nunc sicut significavit Ab.' (p. 593 b). Cf. pp. 590 b and 592, where his returns come after the totals.

²²⁹ pp. 582 a, 585 a, 589 a.

²³⁰ Cf. Chalandon, ii. 109 f.

²³¹ 'Interfuerunt ibi[d]e[m] dominus Rogerius electus Panormitanus, electus Troianus, Henricus de Olgia...': suit before curia of Roger, duke of Apulia, 30 March 1147, in register of Petrus Diaconus, in archives of Monte Cassino, f. 259, no. 638. Again in May of the same year, Garufi, *Documenti*, p. 61.

²³² Bull of Adrian IV in Göttingen *Nachrichten*, 1898, p. 79; charter of William I, in *Quellen und Forschungen*, ix. 242.

²³³ pp. 571 b, 575 b, 589.

²³⁴ Hugo Falcandus, pp. 51, 135.

²³⁵ 'Nullum quod sibi erat quod non sub scripti ratione servaretur aut erogaretur,' Alexander Teleso, iv. c. 3. (Del Re, p. 147).

for the biographical information which they contain. Meanwhile, for purposes of institutional study, we may feel reasonably sure that the groundwork of the *Catalogus* and the conditions of tenure which it reveals represent the conditions of King Roger's time.

If this conclusion respecting the date of the *Catalogus* is correct, it is the earliest known feudal register, and it should be studied as the first of a series which, in the period immediately following, comprises the English *cartae* of 1166,²³⁶ the returns from the Norman military inquest of 1172,²³⁷ the roll of fiefs of the count of Champagne,²³⁸ and the registers of military tenants of Philip Augustus.²³⁹ While the procedure employed in drawing up the *Catalogus* cannot be studied as can the military inquests held by Henry II,²⁴⁰ it is plain that the closest affinities of the catalogue, both with respect to the information it contains and the form of tenure it exemplifies, are with the Anglo-Norman documents. The Norman origin of South-Italian feudalism is seen, not only in such matters as the forty days' service and the feudal aids,²⁴¹ but in the more distinctive arrangements of the knight's-fee unit and the group of five and ten knights, both of which are peculiarly Norman and are found in the duchy before 1066.²⁴² If the multiples of five and ten knights are not quite so prominent in the *Catalogus* as in England and Normandy, this is probably due to the much smaller number of ecclesiastical tenants entered, for these fiefs were less likely than the lay holdings to be split up into odd fractions, and the monasteries and bishoprics which appear in the list afford excellent illustration of this method of reckoning.²⁴³ Under the larger fiefs the catalogue gives in each case the number of knights due from each portion of the demesne (*tenet in demanio*), and then a list of the sub-tenants, who are said to hold *in servitio*,²⁴⁴ with the amount of each tenant's

²³⁶ *Red Book of the Exchequer*, i. 186-445.

²³⁷ *Ibid.*, ii. 624-45; *Historiens de France*, xxiii. 693-9, 703-5.

²³⁸ Circa 1172, Longnon, *Documents relatifs au comté de Champagne et de Brie*, i. 1-74. ²³⁹ *Historiens de France*, xxiii. 605 ff.

²⁴⁰ See Round's analysis of the *cartae* of 1166 (*Feudal England*, pp. 236 ff.), and for the inquest of 1172 Robert of Torigny, ed. Delisle, ii. 296 f. (*Hist. de France*, xxiii. 703).

²⁴¹ See for the forty days' service Ughelli, vi. 700; and for the aids the *Constitutiones Siciliae*, iii. c. 20 (Huillard-Bréholles, iv. 132), and the charter of 1183 in *Bullarium Vaticanum*, i. app., p. xxvii. For parallelisms in feudal law compare Niosso, *Gesetzgebung*, 152-63; Neumeyer, *Die Geltung der Stammesrechte in Italien* (Munich, 1901), pp. 239 ff.

²⁴² Haskins, *Knight Service in Normandy in the Eleventh Century*, ante, xxii. 636-49; and *American Historical Review*, xiv. 456. On the Norman character of these arrangements see Guilhiermoz, *Essai sur l'Origine de la Noblesse* (Paris, 1902), p. 183. The term knight's fee was domesticated even in Calabria, where 'feodum unius militis' appears as *φίον καβαλλάρου ενός*: Trinchera, *Syllabus graecarum Membranarum*, p. 294 (1188).

²⁴³ Thus Venosa owes thirty knights (p. 582 b), Monte Cassino sixty (p. 594 a), S. Giovanni in Venere twenty-five in *demanio* (p. 609 b), and the bishops of Tricarico and Teramo each ten (pp. 574 a, 610 b).

²⁴⁴ This is the natural interpretation of the constantly recurring terms *in demanio* and *in servitio* (cf. Capasso, p. 334; Cartellieri, *Philipp August*, ii. 132 n.), particularly

obligations.²⁴⁵ In addition to his normal feudal obligation (*proprium feudum*) each tenant is liable for an *augmentum*, which consists regularly of a number of knights equal to the *proprium feudum* and of a varying contingent of *servientes*.²⁴⁶ The *augmentum* appears in the older parts of the *Catalogus*, and hence goes back to King Roger's time,²⁴⁷ but we know nothing of the circumstances which led to its imposition or the conditions under which it was afterwards exacted. The available force was even greater, for occasionally, as in Normandy, mention is made of the summons of all the tenant's men in case of special necessity.²⁴⁸

It thus appears that the purpose of the author of the *Catalogus* was twofold, first to furnish the *curia* with a complete list of the military tenants and their obligations, and secondly to secure an

if we consider them in the light of the Anglo-Norman use of demesne. Chalandon (ii. 512 ff.) argues at some length, but not conclusively, that tenure in *demanio* carried with it the plenitude of seigniorial power, which was more limited in the case of fiefs held in *servitio*. Some differences of this sort there may have been, but it is not necessary to assume their existence. Evidently, however, the line between the two tenures was drawn with some definiteness and permanence, for a fief which had reverted to the lord is still reckoned by him as held in *servitio* (cf. p. 584 a: 'Florius tenet feudum quod Niel de Pissoceta de eo tenebat'), and the king in granting fiefs which have fallen into the hands of the *curia* is careful to keep up the distinction previously established between the two sorts of lands. See Mongitore, *Bullae panormitanae Ecclesiae*, p. 37; Garufi, *Documenti*, p. 177; Roger of Hoveden, ii. 95. I may observe in this connexion that the marginal 'curia' against many entries in the *Catalogus* should be taken as indicating that the fief has come into the king's hands (cf. the frequent recurrence of 'curia tenet'), rather than, as Capasso (p. 310) conjectures, as a mark of verification on the part of the *curia*.

²⁴⁵ The following brief entry (p. 589 b) may serve as a specimen: 'Comes Philippus de Balbano dixit quod demanium suum quod tenet in ducatu, videlicet de Sancto Angelo feudum iv^{or} militum, de Calabretta feudum trium militum, de Capusele feudum ii. militum, de Diana feudum i. militis. Una demanium eius feudum x. militum, et cum augmento obtulit milites xxiv.'

Isti sunt barones predicti comitis Philippi de Balbano: Rogerius de Oppido dixit quod feudum quod tenet de eo est feudum ii. militum, et cum augmento obtulit milites iv^{or} et servientes x. Bartholomeus de Tigano dixit quod tenet de eo feudum ii. militum, et cum augmento obtulit milites iv. et servientes x. Trahalonus de Balba dixit quod tenet de eo Balbam, que sicut dixit est feudum unius militis, et cum augmento obtulit milites ii. et servientes vi.

Una tam de proprio feudo predicti Philippi de Balbano quam servitii sunt milites xv., et cum augmento obtulit milites xxxiv. et servientes lxxvi.'

²⁴⁶ Not only is the total contingent of knights in the great majority of cases double the *proprium feudum*, but in one instance the principle of doubling the obligation is expressly stated: 'Sicut inventum est in quaternionibus curie sunt feuda iv. militum et in duplo viii' (p. 575 a). The use of *addoamentum* as a synonym for *augmentum* on p. 594 a is apparently a slip (Mayer, *Italienische Verfassungsgeschichte*, i. 425, n. 16).

²⁴⁷ Mayer (i. 425), while accepting the current view of the later date of the *Catalogus*, places the imposition of the *augmentum* in King Roger's time. It is perhaps significant that in the only list of fiefs which has reached us in a parallel and non-official text, that of the cartulary of Teramo (see n. 194), nothing is said of the *augmentum*.

²⁴⁸ p. 582 a: 'Et si necessitas fuerit belli, ultra promissum quotquot habere poterit.' P. 605 a: 'Et si necessitas fuerit in marchia et in provincia illa, habebit universam gentem suam.' Cf. pp. 575 b, 587 a, 604 a, 605 b; and for Normandy, Guilhaumez, *loc. cit.*, pp. 291-3.

increase in the military contingent. Both tenants-in-chief and sub-tenants were included, but the *augmentum* is applied to both classes in the same measure and to the demesne equally with the fiefs, and the increase is obtained by the simple process of doubling the customary quota. In England, as Mr. Round's illuminating studies have shown,²⁴⁹ the king already knew the amount of the *servitium debitum* from each baron and also kept a roll of the names of sub-tenants as a means of enforcing their liege-homage;²⁵⁰ what was sought in the *cartae* of 1166 was, not only to bring this list of names up to date, but also to ascertain the service due from each sub-tenant, in order thereby to discover whether the tenant-in-chief received more service than he rendered to the king. If this proved to be the case, the larger number was taken as the basis of future assessments—in other words, the king gained an *augmentum*, but by a more roundabout method than in Sicily. At the same time, while a permanent increase of the barons' assessment was doubtless best secured by an arrangement which had a direct relation to their military resources, for particular campaigns Henry II made use of arbitrary *dona* and even arbitrary contingents of *servientes*.²⁵¹ Another parallelism with Sicily is that the *cartae* of 1166, like the *Catalogus*, distinguish carefully in each case between the enfeoffed service and the service charged to the demesne. In Normandy, where the *servitium debitum* to the duke had probably been fixed by the middle of the eleventh century,²⁵² uncertainties appear to have arisen respecting its quantity, while the discrepancies between the amount of service which the great barons owed and that which they received had come to be even greater than in England.²⁵³ Accordingly the inquiry of 1172, the complement of the comprehensive investigation of the royal domains in the preceding year,²⁵⁴ demanded from each baron a sealed return of the number of knights due to the duke and an unsealed list of his sub-tenants and their obligations,²⁵⁵ although in the summary which has been preserved only the number of sub-tenants is given, without their names. Unfortunately the surviving rolls of the Norman exchequer are too fragmentary to show how these returns were used, but if we may judge from the practice of the thirteenth century and from the English analogy, the duke exacted from the sub-tenants an *auxilium exercitus*, or scutage, proportional to the

²⁴⁹ *Feudal England*, 236 ff.; cf. Inman, *Domesday and Feudal Statistics*, pp. 46 ff.

²⁵⁰ See the returns in *Feudal England*, 238 f.; and cf. Eyton, *Itinerary of Henry II*, pp. 90 f.; Round, *Studies on the Red Book*, pp. 62 f.

²⁵¹ *Feudal England*, pp. 265, 283; Baldwin, *Scutage and Knight Service*, pp. 29 ff.

²⁵² *Ante*, xxii. 636–46; *American Historical Review*, xiv. 456.

²⁵³ See the examples in Guilhaumez, p. 266; and compare Pollock and Maitland, *History of English Law*, i. 243.

²⁵⁴ *Ante*, xxvi. 326–8.

²⁵⁵ Robert of Torigny, ii. 297.

number of knights they owed.²⁵⁶ Whether the inquiries of 1166 and 1172 were in any way suggested or influenced by Sicilian precedents, we have no means of knowing, although it is quite conceivable that such was the case. Sooner or later in all the Norman lands the king was bound to feel the cramping effects of the custom which limited him to the quotas originally assessed upon the tenants-in-chief, and it was inevitable that, as his military necessities grew, he should seek to get some advantage from the growing number of his barons' tenants. How this should be secured depended upon local conditions, but full information concerning the sub-tenants and their fiefs was the first necessity in any case; and while the English king possessed a record of the service of his barons and, more or less fully, of the names of their tenants, a complete register of military tenures was, so far as we know, first drawn up in southern Italy.²⁵⁷ Inasmuch as, besides other possible sources of information respecting the south, Henry II had as confidential minister Master Thomas Brown, who as a member of King Roger's *curia* must have been familiar with the military registers of the southern kingdom and the *augmentum* which had there been imposed, it would seem that this experience was at the disposal of the English king if he chose to avail himself of it. Certainly his contemporaries were ready enough to learn from him in such matters, as we see in the imitation of the Assize of Arms by Philip Augustus and the count of Flanders.²⁵⁸

The conclusion to which our study of the chief departments of the Sicilian government seems to lead is that there was no such mechanical or wholesale transfer of institutions between England and Sicily as was once assumed,²⁵⁹ but that the two states were reasonably well informed respecting each other and would appear to have made some use of each other's experience. It seems probable that the English judicial system furnished the model for the justiciars of the south, and the feudal registers of southern Italy may well have had some effect on the military policy of Henry II. It is quite possible that if our sources of information were more satisfactory we could trace lines of influence in the detail of fiscal administration or of legislation,²⁶⁰ while for an earlier period we must bear in mind the possibility of a connexion

²⁵⁶ *Summa de Legibus Normannie*, ed. Tardif, pp. 125 f.; cf. Guilhiermoz, p. 267.

²⁵⁷ The Bayeux inquest of 1133 would seem to have been exceptional.

²⁵⁸ Benedict of Peterborough, i. 270; cf. Guilhiermoz, p. 227.

²⁵⁹ Particularly, at the beginning of the last century, by Gregorio, *Considerazioni sopra la Storia di Sicilia*.

²⁶⁰ That Sicilian legislation was influenced by that of England has been maintained, but on insufficient grounds, by Niese, *Die Gesetzgebung der normannischen Dynastie*, pp. 182, 188-96. The difficulty here lies in the fact that we know very little about the period when such influences are most probable, the latter part of the reign of William the Good. Cf. *ante*, xxvi. 370.

between Domesday Book and the fiscal registers which the south had inherited from its Byzantine and Saracen rulers. For the present, however, all these must remain mere possibilities; the most that can be asked is that we have an open mind toward the existence of international influences between the nascent states of the twelfth century, influences not always conscious, but within their limits not unlike those which are well known to the historian of the fifteenth century or of the nineteenth. If, however, we keep to the more solid territory of established fact, the chief interest of Sicilian institutions lies in the striking illustrations of a parallel political development. CHARLES H. HASKINS.

Firearms in England in the Fourteenth Century

THE origin and early history of firearms in England can never be put on a satisfactory basis until the loose and casual statements of the few chroniclers who have concerned themselves with the subject are checked and controlled by record evidence. That such record evidence exists in the accounts of the chamber, the great wardrobe, the privy wardrobe, and, for a later generation, the Issue Rolls of the Exchequer, has long been known, and a certain number of texts from these sources have already been printed. Of special value are the extracts printed by Joseph Hunter in his *Proofs of the Early Use of Gunpowder in the English Army* in *Archaeologia*, xxxii. 379-87, by Joseph Burtt in the *Archaeological Journal*, xix. 68-75, and by Sir Harris Nicolas in his *History of the Royal Navy*, vol. ii, appendix. As a result of these and similar efforts most of the available record evidence before 1360 has seen the light, but nothing, with two or three exceptions, after that date. Moreover, these printed documents are so widely scattered, and our English historical bibliography is so defective, that no one can severely blame some modern military historians if they have occasionally neglected to use such inaccessible material. There is, indeed, one singularly complete treatise, which fully works up the printed record information. This is Sir Henry Brackenbury's excellent paper on *Ancient Cannon in Europe*, published in two parts in the *Proceedings of the Royal Artillery Institution of Woolwich* in 1865-6. Unluckily this monograph is very difficult to procure, and has therefore perhaps been disregarded by most recent writers. The same may also be said of the useful paper on *Our Earliest Cannon, 1314-46*, by Lieutenant-Colonel H. W. Hime, printed in the same transactions, in which modern writers' neglect to use the printed record sources is shortly but ably indicated (*Proceedings of the Royal Artillery Institute*, xxxi. 489-94, 1904-5). Moreover, Sir Henry Brackenbury did not go beyond the printed documents, and was quite unaware that there exist an immense number of unprinted accounts, which throw a constant light upon the development of firearms in this country for all the latter half

of the fourteenth century.¹ Accordingly, when dealing with this period, he has no English evidence at his disposal, save a few meagre entries in Devon's extracts from the Issue Rolls, and a few passages in Rymer and the chronicles. It was inevitable, then, that though he made the best of his scanty material, Sir Henry Brackenbury should have left much unsaid about England. Indeed his concluding pages desert English history altogether and give us little save details about continental and notably Italian artillery, about which information was more ready to his hand. It was the same with Köhler in his elaborate history of artillery in his *Kriegswesen in der Ritterzeit*. There is, however, less reason for expecting details about English firearms in a general treatise than in one written by a British scholar.

During the last two years I have been attempting to investigate the early history of the king's wardrobe and chamber, and have for that purpose consulted a large number of the extant accounts of these departments of the royal household. Though my primary quest was for something quite different, I could not fail to notice the large amount of new material which they supply for the early history of guns and gunpowder in this country. Here was exactly the information for which Sir Henry Brackenbury had been seeking. Accordingly I have thought it worth while to put together and comment on in this paper the chief texts relevant to this subject down to the deposition of Richard II.² Most of the extracts which I shall give come from the accounts of the king's privy wardrobe in the Tower of London, which was the chief armoury and arsenal of the English crown during the latter half of the fourteenth century. It was not, however, until about 1344 that the Tower wardrobe received its full constitution. Before that time its work was mainly done in the king's chamber and great wardrobe, to both of which departments it stood in a very intimate relation. It is for this reason that the earliest record evidence of the use of firearms is to be found in those chamber and great wardrobe accounts, from which Hunter and Burt derived most of their texts. Not in England only, but all over Europe, the lord's arms and armour were kept in his 'chamber'; and among the 'wax, spices, and other necessities', which the great wardrobe purchased and delivered to other departments for the king's use, there was for a brief period an occasional purchase of saltpetre and sulphur, the more expensive ingredients of gunpowder, which articles in due course the great wardrobe handed over to the chamber or privy wardrobe. I should add, however, that I have failed to find

¹ 'No further accounts of this half century, possessing any great importance, have been brought to light, but several issue roll entries show cannon in common use for the defence of castles': Brackenbury, p. 46.

² Extracts from the privy wardrobe accounts of Henry IV bearing on this subject are given in Wylie's *History of England under Henry IV*, iv. 230-4.

many new extracts of importance, either from the chamber or the great wardrobe accounts. I have thought it worth while, however, to reprint, sometimes perhaps in a somewhat better text, the documents which Hunter, Burtt, and others have already given to the world. My excuse for this is the double one, of once more calling attention to the neglected material which they contain, and the convenience to future workers of putting together the relevant material in a single place. The only important published document that I have not reprinted is the account of John Derby, clerk of the king's guns, the substance of which is, however, contained in the corresponding privy wardrobe account (X), hitherto only known in an unprecise summary in Nicolas.

The mass of the new material which I offer comes from the privy wardrobe accounts. My extracts from these represent the winnowing of very bulky documents, and the immense amount of verbiage and repetition contained in them necessitated a good deal of editing. Such editing was the more imperative since the versions of these accounts preserved by the king's remembrancer and those enrolled in the 'wardrobe and household' and 'foreign' series of exchequer enrolments often differ to a considerable extent. I have, however, avoided noticing merely verbal discrepancies, though I have sought to give the information obtained from both. I have also added in notes some interesting additional details, supplied from the collections of mandates and indentures preserved in the various king's remembrancer bundles of 'documents subsidiary to the accounts of the privy wardrobe'. I have been at no pains to normalize the curious grammar and the strange mixture of French and English with the Latin of the accounts. I should add that I am indebted to my former pupil, Miss Ada Russell, for some of the transcripts here utilized, and to Miss L. B. Dibben, also an old pupil, for much valuable help.

How little even the printed record evidence has been critically studied in this country can be illustrated by a single example. In his *History of the Royal Navy*, published in 1847, Sir Harris Nicolas (ii. 186) asserted that several of Edward III's ships were equipped with cannon as early as June 1338, and printed a document (pp. 475-6) which at first sight seemed to prove his point. From that time till now countless books have repeated this statement on Nicolas's authority. It was adopted by Pauli in 1855.³ It was repeated along with most of Nicolas's facts in Clowes's *Royal Navy*, published in 1897 (i. 148). So late as 1909 we have Nicolas relied upon as giving as 'unquestionable testimony that cannon, both brass and iron, were employed on

³ *Geschichte von England*, iv. 404.

board English ships of war in 1338'.⁴ The military specialists, even Sir Henry Brackenbury, were entirely deceived by him.⁵ Sometimes Nicolas's original statement has taken a curiously distorted form, as when, for example, it is regarded as equivalent to 'the first mention of gunpowder in England'.⁶ Unluckily Nicolas's dictum is entirely based upon his misdating a document printed by him. This document is 'an indenture between John Starlyng, formerly clerk of the king's ships, and Helmyng Leget, keeper of the same', and is dated by Nicolas '22 June, 12 Edward III', that is, 1338. However, external evidence shows that the only John Starlyng who was clerk of the king's ships held office in 11 and 12 Henry IV.⁷ This Starlyng was succeeded before 16 July 1411 by Helmyng Leget, esquire, usher of the king's chamber.⁸ It is, therefore, absolutely certain that Nicolas's '12 Edward III' should be '12 Henry IV', and thus the value of the passage for our purposes is entirely destroyed. Indeed, internal evidence against the early date is so strong that it is hard to see how the most incurious scholar could ever have accepted it. That in 1338 cannon of iron and brass, some with one, some with two, and some with five 'chambers', were part of the equipment of no less than four ships of the royal navy, and that in one case a ship should be provided with a hand-gun, go absolutely beyond the bounds of credibility. Perhaps Nicolas was misled because he knew that there was a Helmyng Leget acting as a chamber officer during the reign of Edward III. As a matter of fact, however, there was a succession of Helmyng Legets doing service in the king's chamber for the greater part of the century, and this Helmyng Leget was clearly a descendant of the two Helmyng Legets who flourished in the reign of Edward III.

Turning to our documents, we learn from Fleet's chamber account (I) that gunpowder and its ingredients were already used for military purposes in England in 1333-4. But, save for one doubtful reference,⁹ we have no further record information on our subject until 1345. There is fortunately plenty of other evidence that guns and gunpowder were employed, at any rate by the French and the continental allies of the English, from the very beginning of the Hundred Years' War. Though there is no proof that English ships used cannon in 1338, there is record testimony that the armada equipped in that year in the Norman ports

⁴ *The Rise and Progress of the British Explosives Industry*, p. 11, 1909.

⁵ *Ancient Cannon in Europe*, pt. i, p. 5.

⁶ *Social England*, ii, 129, 1894.

⁷ *Public Record Office Lists and Indexes*, no. xi, p. 24.

⁸ *Calendar of Patent Rolls, 1408-13*, p. 320.

⁹ There is a reference in a great wardrobe account of 1341-2 to the provision of 'x lb. pulueris pro classe', Enrolled Accounts (Wardrobe & Household), no. 3, m. 38. This may, or may not, refer to gunpowder.

for the invasion of England was provided with at least one piece of primitive artillery (*un pot de fer à traire garros à feu*¹⁰). In 1339 cannon helped to save Cambrai from Edward III,¹¹ and were used by the French in the siege of Puy-Guilhem in Périgord. In the same year the men of Bruges constructed *nieuwen enginen die men heet ribaude*, which were commanded by a *maître des ribaudequins*.¹² What these *ribaudequins* were we shall soon see.

The history of the earliest artillery in England has often been discussed, but there are some notable recent examples of its not being considered in relation to all the available material. The best recent surveys of the subject are those of Brackenbury and Hime, and what follows does not add much, save an occasional trivial correction, to their results. It seemed, however, desirable briefly to go over the ground before proceeding to the later phases of our subject. We must begin with the preparations of 1345 and 1346, a period in which, as our documents show, firearms were already beginning to be known in England. Mildenhall's privy wardrobe account (III a) shows us that as early as 1 February 1345, Edward III ordered the keeper of the Tower wardrobe to repair and ship guns and pellets for the king's projected expedition in that year.¹³ Very little came of the *passagium regis* in 1345, but some of the preparations for it were not wasted when the equipment of the Crecy campaign was undertaken. The first dated preparation for this famous expedition is very significant for our purpose. On 1 October 1345 the king ordered Mildenhall to make a hundred *ribaldos*, *pro passagio regis versus Normanniam*. These were clearly the same class of instruments as the Bruges *ribaudequins*, and the copious details given by Mildenhall amply confirm the many other texts which prove that *ribaudequins* were groups of small cannon or 'bombards', of which each unit was capable of being fired all together or in rapid succession. Each collection of barrels was mounted on a single portable carriage, with two or four iron-hooped wheels, compared sometimes to a wheelbarrow, and at others to a small 'charroi'. All primitive artillery was, as we shall soon see, exceedingly small. But these *minuta ingenia*, though sometimes used in sieges, must have been primarily useful for field purposes.

¹⁰ See L. Lacabane's excellent memoir, *De la poudre à canon et de son introduction en France* in *Bibl. de l'École des Chartes*, 2^e série, i. 28-57 (1844).

¹¹ Besides Lacabane, u. s., p. 51, see the accounts of the master crossbowman printed by Molinier in *Chronique Normande*, p. 215.

¹² Froissart, ed. Kervyn de Lettenhove, iii. 498.

¹³ *Gunnis cum pelletis*. It is perhaps better to translate the latter word in Chaucer's phrase as 'pellet' (*House of Fame*, l. 1643), as cannon-ball suggests something too big and heavy, and bullet something too small for the missile of primitive artillery. Professor Skeat's explanation of pellet as a 'stone cannon ball' needs correction for this period, since the Tower documents always speak of pellets as made of lead.

Besides the information given by Mildenhall, we obtain some additional notices of these 'ribalds' in the Issue Rolls of the Exchequer,¹⁴ which show that between 10 October 1345, and 13 March 1346, Mildenhall received from the exchequer £124 18s. 4d. in eight different sums of varying amounts, *super factura ribaldorum et capitum quarrellorum ad opus regis*. As it is not likely that the payment would be made until the work had been done, these facts prove that the 'ribalds' and their appropriate ammunition of 'quarrels' were actually constructed before the Crecy campaign started. The Issue Rolls further confirm the suggestion of Mildenhall's account (III a) that the 'ribalds' were actually made within the Tower of London, by the king's own workmen. Walter, *faber regis in turri Londoniarum*, made the iron-work, and Richard of St. Albans, the king's carpenter, made the woodwork. Some of the payments to Mildenhall are made 'by the hands of' these two persons, though the larger ones are *per manus proprias*. Mildenhall is generally described in them as *custos armaturarum et quarundam aliarum rerum infra turrim Londoniarum*. Unluckily, there is no evidence of payment for the shipment of the ribalds until after the battle of Crecy had been fought. There is, however, a record of a payment to Everard Crouel, mariner, of a ship recently freighted with the king's ribalds to be led beyond sea. The date of this is 17 February 1347, so that it makes it quite certain that the ribalds were used at the siege of Calais. Too much stress must not be laid on merely negative evidence, but the absence of positive statement makes the presence of ribalds in the Crecy campaign a little doubtful.

On 4 March 1346 Edward ordered the repair and shipment of certain guns, kept in the Tower, *cum pelletis et pulvere pro eisdem gunnis, pro passagio regis*. Some of these were in Mildenhall's charge, and others in the custody of Thomas of Rolleston, a king's clerk, whom we know to have been a subordinate of Mildenhall, and was clearly specially in charge of the gunnery provided for the 1346 expedition. A passage in Cook's account (IV a) shows that the great wardrobe, in obedience to a writ of 10 May, provided Rolleston with no less than 912 lb. of saltpetre and 886 lb. of quick sulphur *ad opus ipsius regis, pro gunnis suis*. Further supplies were ordered three days later (IV b). Rolleston got these ingredients of gunpowder through William of Stanes, whom we know to have been a citizen and spicer of London,¹⁵ and who was described in 1344-5 as *apothecarius regis*.¹⁶ Besides this, Rolleston received from the chamber moneys *super factura*

¹⁴ The extracts from the Issue Rolls, for which I am indebted to Miss L. B. Dißben., are printed in III b.

¹⁵ *Cal. of Close Rolls, 1343-6*, p. 340.

¹⁶ Enrolled Accounts (Wardrobe & Household), no. 3, m. 42.

pulueris pro ingeniis, at a date which is probably somewhere between 23 March and 27 April (II).

This is all the record evidence that guns were employed in the Crecy campaign; but it is surely sufficient to make it impossible for us to agree with those who lightly dismiss the story that cannon were employed by the English at the great battle as a groundless imagination of the chroniclers. Even the testimony of the chroniclers to this fact is much stronger than is often recognized. No less than four independent writers state that cannon were used. Two of these at least were strictly contemporary. There were the Italians, Giovanni Villani,¹⁷ who died of the Black Death in 1348, and the anonymous author of the *Istorie Pistolesi*,¹⁸ who laid down his pen in the same year. The Italians' testimony is strongly confirmed by the *Grandes Chroniques de France*,¹⁹ which are unquestionably an authority of great importance. To these we must add the testimony of the Amiens manuscript of the second recension of Froissart,²⁰ evidence weak in itself, but important as an additional authentication.

It is even more uncritical to wave aside the evidence for cannon at Crecy on the *a priori* ground that 'field artillery' is incredible in 1346. If this were so, how could two contemporary writers have imagined it? As a matter of fact, all early cannon were so small that they could be, and were, easily carried about in carts, wherever a fully equipped army was likely to go. Moreover the *ribaudequins*, at least, were wheeled vehicles capable of easy transport. Unluckily we are not told definitely that *ribaudequins* accompanied the Crecy army, and the negative evidence rather suggests that they did not. But for that it would be tempting to conjecture that certain features in the two Italian accounts of Crecy, which have provoked most suspicion as to their trustworthiness, may be at least partially explained if we assume that the firearms which threw the Genoese crossbowmen into a panic were *ribaudequins*. The two Tuscan writers, who doubtless repeat the story of the Genoese themselves, describe the French attack as made on the English entrenched behind a laager of wagons. This was plainly not the case, even though some French chronicles, for example the *Chronique normande du quatorzième siècle*,²¹ share in the error of the Italians. We can, however, understand how a beaten force, which never came to handgrips with the enemy, might easily have imagined that they were assailing the English *charroi*, if we assume that in front of the English host a number of *ribaudequins* were stationed. It must, however, be

¹⁷ Muratori, *Scriptores*, xiii. 946-8.

¹⁸ v. 460, ed. P. Paris.

¹⁹ *Chroniques*, ed. Luce, iii. 416.

¹⁸ *Ibid.* xi. 516.

²¹ pp. 80-1, ed. Molinier.

admitted that a study of the passages quoted in Godefroi's *Dictionary* under the word *ribaudequin* will hardly suggest that these little carriages for groups of small guns were very like the ordinary wagons of an army of the period, and that we have also to set against this conjecture the fact that the *Grandes Chroniques* speak of *trois canons* as being employed by the English.

The employment of guns and gunpowder in the siege of Calais has been known since the age of Spelman. It is, however, worth while putting together here the chief facts relevant to it. Crecy was fought on 26 August, and it is perhaps a further suggestion of the value of cannon in the engagement that on 1 September, before Edward's arrival before Calais, orders were issued that all guns and engines then in the Tower should be shipped along with 'pellets', barrels for packing, saltpetre and gunpowder, and be taken to the king at Calais (III). Moreover, by writ of 2 September, Mildenhall was ordered to send through Clement atte Merke certain *manualia ingenia vocata gunnys* and ammunition to Calais. The three *magna ingenia*, whose transport by barge from the Tower to ships in the river is described in detail by Mildenhall, were probably not firearms. Along with them, however, went ten guns with their 'tillers', or carriages, six pieces of lead, five barrels of powder, and a hundred great pellets of lead for the guns. Two of the guns are described as *grossi*, so that the other eight are likely to have been very small. Moreover in the long list of engines, guns, and their accessories, for which Mildenhall accounts, we should note that all of them, including the ten guns, were received of Thomas of Hatfield.²² Hatfield, then bishop of Durham, and serving the king all through the Crecy and Calais campaign, had been clerk of the chamber up to 4 December 1344. It has already been noted that *ribaudequins* were used in the siege.

Considerable additional supplies of ammunition were also ordered for the siege. On 25 November 1346 the keeper of the great wardrobe was ordered to procure for the king's use all the saltpetre and quick sulphur that could be found. In accordance with this order the great wardrobe delivered to Thomas Rolleston 750 lb. more of saltpetre, and 310 lb. more of sulphur (IV c). On 15 September 1347 William of Stanes was paid £167 2s. 2d. for supplying Rolleston, for the king's use, with 2021 lb. of saltpetre and 466 lb. of quick sulphur, and more money was still due to him (IV c and d). The long siege of Calais had ended a month earlier. The part played in the concluding scenes

²² Brackenbury, i. 17, says, 'The king had now therefore to our knowledge 20 guns at Calais.' This is assuming that the ten guns sent by Weston and Clopton and the ten sent by Clement atte Merke were different. It seems at least as likely that they were the same, in which case Edward only had ten, besides whatever may have survived the Crecy campaign.

by the 'bombards' that blocked the entrance to the harbour, and by the other 'bombards' which, stationed on Nieulay bridge, helped to prevent the relieving army from approaching the town on the landward side, is sufficiently testified by Froissart.²³ No doubt these guns were manned by the twelve *artillatores* and gunners, who received the king's wages during the siege.²⁴

The experimental stage of cannon, so fully illustrated for the years 1345-6, may be said to have lasted until 1360, the year of the treaty of Calais. Between the fall of Calais and the famous treaty there is only one reference to firearms in the privy wardrobe records. This is contained in William Rothwell's accounts, which range from 1353 to 1360. It records the purchase of four guns *de cupro*, and also the provision of a pestle and mortar for making gunpowder (V). Yet during these years of silent records the references to firearms in the chronicles become comparatively frequent. Cannon accompanied the Black Prince in the foray of 1356, which resulted in the battle of Poitiers.²⁵ The death of an English knight from the effects of a gunshot in the great raid of 1359 is recorded in what is perhaps the first reference to firearms in an English chronicle.²⁶

The accounts of Henry Snaith cover years of peace, and yet they mark the beginning of the continuous testimony to the existence of firearms as a regular part of the stores of the Tower arsenal (VI). It is significant that this account is the first in which the word 'guns' is included with bows, crossbows, armour, and the like as one of the headings. When Snaith came into office in June 1360, he still found in the Tower the four guns, sixteen of the sixteen and a half pounds of powder, and even the pestle and mortar which his predecessor had left behind. Despite the peace, he added to the stock by purchasing five guns from one *artiller*, and one very small gun which the king presented to Lionel of Antwerp on his going to Ireland, which was perhaps the first piece of ordnance that was ever seen in Ireland. When Snaith gave up the Tower wardrobe in 1365, this little gun was the only one of his store that had left his custody.

John Sleaford, the next keeper, held office for the rest of the reign of Edward III. During this period of renewed warfare and military disaster, the use of firearms was largely extended. Indeed, it would not be going too far to say that the years following the breach of the French treaty in 1369 were the time when guns and gunpowder first became of real importance to English armies. During the last years of the peace, care was taken to equip the

²³ iv. 46, 48, 272, 276, ed. Luce.

²⁴ Wrottesley, *Creey and Calais*, p. 203.

²⁵ Froissart, iv. 11, ed. Luce.

²⁶ Knighton, ii. 107 'Dominus Thomas de Morreus percussus est medio de una gunna'.

chief fortresses with the modern type of artillery. In 1365 two great guns and nine small ones were sent from the Tower to the new castle of Queenborough in Sheppey, which was assuredly a large supply for a castle which was certainly not one of the most important of the strongholds of the crown (VII). In 1371 six guns, a barrel of saltpetre and one of sulphur were sent to Dover castle. In 1369-70 there were already three great guns of copper or brass, one of iron, and fifteen other guns at Calais, and to these a great gun with three 'pots' was added in 1372 (X). This was also the time, we shall see, when a gunnery department began in England. Its work was plainly traceable in the preparations for the abortive expedition of 1372, the last campaign in which Edward III so much as contemplated taking a personal share, and the first English military enterprise which was adequately equipped with firearms. No less than twenty-nine guns of iron, 1,050 lb. of saltpetre, and an adequate supply of lead, were in this year delivered *pro viagio regis super mare* (X).

In other ways also there was between 1370 and 1374 an unprecedented activity in the Tower workshops which is faithfully reflected in the accounts. In the last years of Edward III's reign, military preparations slackened down after the truce of Bruges. Guns were now gradually brought back to the Tower, though there were still deliveries of them to keepers of fortresses, and one to the king in his chamber. Nevertheless when Sleaford laid down his office early in Richard II's reign there were still twenty-two guns remaining, in store or in position, at the Tower (XI).

There were other cannon and ammunition available besides those supplied by the Tower wardrobe, though concerning these the Tower officers kept no record (XIV b). Some of the king's castles supplied their needs from other sources, as for example in 1379, when the keepers of Carisbrooke purchased two cannon and a supply of saltpetre and sulphur,²⁷ and in 1382 when a gun was purchased for Southampton for 5*s.* 8*d.*²⁸ The custom now arose, and became common under Richard II, that captains of castles should receive sums of money for the purchase of firearms directly from the exchequer, without any reference to the office of the wardrobe of the Tower. Sometimes they would hire cannon from private makers who were willing to serve in the fortresses concerned as the gunners for their own pieces. Thus in 1384 the exchequer paid £26 5*s.* 0*d.* to the late keeper of Carisbrooke 'for so much money by him disbursed, namely for five cannoniers, each having his cannon, and to one cannonier with three cannons, for the hire of the same cannoniers and cannons and for the purchase of powder'.²⁹ At all times the English king's dominions in France

²⁷ *Archaeologia*, xxxii. 384.

²⁸ Rogers, *History of Prices*, ii. 559.

²⁹ *Devon's Issue Rolls*, Henry III—Henry VI, p. 226.

were plentifully supplied with guns and ammunition from local sources. Neither the cannon used by the Black Prince against Romorantin in 1356,³⁰ nor the cannon which, according to Froissart, John Chandos was by 1369 in the habit of taking about with his troops,³¹ came from the Tower wardrobe. At a later date, when the English king's lands in France were more restricted, cannon for fortresses in English hands were paid for from the exchequer, as when in 1385 the keeper of Cherbourg received a tardy grant to recoup him for the purchase six years before of 'ten guns to throw stones' with appropriate ammunition.³² Prominent corporations and individuals had also artillery of their own. I have mentioned the case of Southampton. The Letter-books of the city of London record that there were in the 'chamber of the Guildhall' six 'instruments of latten, called gonnes', with five 'tillers' for the same, as well as four hundredweight and a half of pellets of lead for the same instruments, and 32 lb. of powder.³³ The 'great gun called the gun of Canterbury', used by Bishop Despenser for the siege of Ypres in 1383,³⁴ looks as if it were the property of the chapter, or of the archbishop. So common were guns now that the rioters who burst into Huntercombe manor in 1375 were armed with them.³⁵

A new period in the history of cannon all over Europe begins not long after the accession of Richard II. In the sieges and battles from 1380 onwards, firearms are so commonly mentioned that it becomes unprofitable to collect the constant references made to them.³⁶ It was now also that cannon began to be differentiated from the original primitive type, and we have examples both of the casting of guns of very large dimensions, and also of the first approaches towards the musketry of the future. Despite these circumstances, the privy wardrobe accounts of the whole of Richard II's reign are on a much smaller scale than those of his grandfather. The troubles of a minority, and the virtual suspension of the French war, may partly account for this; though we must also find a further explanation of it in the fact that increasing quantities of firearms and ammunition were paid for directly by the exchequer, without passing through the privy wardrobe

³⁰ Froissart, iv. 11, ed. Luce.

³¹ *Ibid.* vii. 144.

³² Devon's *Issue Roll*, Henry III—Henry VI, pp. 212–13.

³³ *Letter-books of the City of London*, F., p. 1. The entry is unfortunately undated, but as it is written on the fly-leaf of a volume whose contents range from 1337 to 1352, it is not likely to be much posterior to the latter year.

³⁴ Knighton, ii. 199.

³⁵ Brackenbury, i. 45–6; Hewitt's *Ancient Armour*, ii. 298. The original authority is a *Coram Rege* roll of Hilary term, 50 Edward III. Even the records of the common law-courts then may yield us some information on this subject.

³⁶ The first great battle in which cannon played an important, though not a decisive, part seems to have been that of Aljubarrota in 1385. In the end, however, the English archers proved more valuable than the Spanish cannon.

accounts at all.³⁷ Yet if the privy wardrobe accounts of the years 1377-82 are of the most restricted character, they are followed by the accounts which of all those that I have examined throw the newest and most detailed light upon our subject. For the whole of the rest of the reign we may say that the proportion of the privy wardrobe resources spent on firearms and ammunition was immensely greater than it had been under Edward III. Thus, though the income of the Tower wardrobe is less, the sums employed on guns and gunpowder were decidedly greater, and the stock of both soon became much larger than previously.

Richard II's first keeper of the privy wardrobe, John Haytfield, received from his predecessor, Sleaford, a stock of twenty-two guns in 1378 (XII). In September 1381 these were reduced to eleven (XIII). Of the eleven that had disappeared, some, doubtless, had been sent to other fortresses; but two had been sold, and two had been stolen in June 1381 when the revolted peasants broke into the Tower wardrobe and raided its stores. Nothing was done under the next keeper, John Hermesthorpe, except to strengthen the doors and locks, and to buy a little gunpowder. When in May 1382 Hermesthorpe handed over the Tower wardrobe to Randolph Hatton, things had reached a very low ebb. Hatton, however, soon put a new complexion on the matter. He remained in office until his death in 1396, but nearly all his activity was previous to 1388. During the first five or six years of his exertions, he spent nearly £1,800 on the purchase of artillery and ammunition. His wholesale purchases during this period show that cannon-founding was now becoming a considerable industry in England. In these years he bought eighty-seven cannon of four gun-founders (XIV *a*), and despite constant liveries of cannon to various fortresses his executors in 1396 handed over a stock of fifty guns to his successor (XIV *b*). It was the same with ammunition as with artillery. When Hatton came into office, he found no gunpowder in store, and only 80 lb. of saltpetre. He left behind him nearly 4,000 lb. of gunpowder and nearly 600 lb. of saltpetre. Not only did he carry on his operations on a large scale; he also made experiments in firearms, securing, as we shall see, the casting of the biggest and most complicated artillery hitherto recorded, as well as providing hand-guns for the first time, at least under that name. His activity represents the high-water mark of gunnery during our period. The accounts of his successor, Lufwyk, who remained in office until the first few weeks of Henry IV's reign, call for no special comment.

³⁷ *Devon's Issue Rolls*, Henry III—Henry VI. give numerous instances: for example, pp. 212-13, 226-7, 234. As these are but casual extracts, a systematic examination of the *Issue Rolls* is necessary before complete stock can be taken of the artillery at the disposal of Edward III and Richard II. This search I have not undertaken.

By the days of Hatton and Lufwyk, no important fortress was thought adequately defended without a supply of artillery in the more modern sense. We read of three guns sent in 1379 to Porchester, and two others delivered there in 1386. Of the provision for Carisbrooke we have already spoken. Four guns were sent to Corfe castle, and three, one great and two of lesser size, to the tower of Southampton. Cannon were constantly sent to Dover, and sometimes to Rye and other Cinque Ports. On one occasion six large cannon were forwarded by cart to Dover castle from the Tower wardrobe. Besides these Sir Simon Burley, the keeper of Dover, had cannon of his own. In May 1385 he bought of William the Founder, of London, twelve cannon, which were paid for by the exchequer.³⁸ Large supplies went to the great border fortresses of Berwick and Roxburgh. One time seven small guns were dispatched to these two strongholds, and on another occasion eight cannon were sent to Berwick, five of which were large, and three hand-guns. The captain of the English garrison at Brest received four guns with 1,458 lb. of powder, 300 lb. of lead, and 300 round stones. So unimportant a castle as Trematon in Cornwall had its livery of 12 lb. of gunpowder, while in 1398 four guns and 'gunstocks' and 80 lb. of powder went to the castle of Holt in the Welsh March (XV). The very few military enterprises of Richard's reign are each marked by a corresponding activity in the Tower wardrobe. At least six great cannon and six small accompanied Richard II on his first visit to Ireland in 1494-5 (XIV b). Eight guns went with him on his second visit in 1399, all of which were deposited safely in Dublin castle when the king began his ill-starred return to England (XVI). It is clear that firearms had now become an essential element in our military system.

A few generalizations suggested by the documents as a whole may perhaps still be permitted. They are especially such as arise from the study of those printed here for the first time. They at least will help to give English instances to illustrate the general principles laid down by such writers as Lacabane, Brackenbury, and Köhler. On the whole they will show that the lines of development in England and the continent were very similar. They will also perhaps help towards vindicating the independence of early English artillerists of foreign influence, and correct and supplement points on which even Brackenbury went wrong for want of material.

The early history of firearms in this country is obscured by its intimate connexion with the history of the more ancient missile weapons, and especially with the arbalest, both in its larger variety, the springald, and in the ordinary crossbow used in

³⁸ *Devon's Issue Rolls*, p. 227.

the field. A comprehensive term for all missile weapons and military machines was *artilleria*. This term, which was employed long before the introduction of cannon, was regarded as including firearms, though it continued to include *trébuchet* and *balista*, and even the longbow and arrows, for the rest of the middle ages.³⁹ The *artiller*, or *artillator*, continued similarly to be concerned with both the older and newer types of warlike engines. He was a craftsman, an engineer, and not a soldier.⁴⁰ Moreover, the *artiller* was the maker of military machines, quite as much as the user of them. Specialists in the manufacture of firearms were as rare as specialists in their employment. The same persons were employed in casting cannon and in using them. The first makers of guns and ammunition were, to begin with, manufacturers of springalds and crossbows, who turned their attention to producing the newer type of engines as soon as the demand arose for them. As an instance we may take the Byker family. We have first a John Byker, *artillator regis*, who was making and repairing springalds in 1353-60. As *balistarius domini regis infra turrin Londoniarum*, he received 6d. a day as wages in 1353 and a shilling a day in 1354.⁴¹ Before 1360 he was succeeded by Patrick Byker, doubtless his kinsman. Again, in 1370 a William Byker had 6d. a day from the exchequer as 'engineer of the king's war slings within the Tower of London'.⁴² In 1382-8 William, now *artillator domini regis in turre Londoniarum*, was still supplying the crown with crossbows at 8s. and 10s. a head, but also appears as the maker of two small iron cannon (XIV a).

Other early cannon makers seem to have been mainly general workers in metal or iron, smiths, and especially braziers (V and VI); sometimes they were workers in wood, joiners or carpenters. When the cannon industry had become important, they are usually spoken of as founders. This is the description of William Woodward, the only person mentioned in our documents as casting cannon on a large scale. In every case manufacturers of cannon provided, along with the weapons, the stands or carriages on which

³⁹ For instance, in 1369, John of Hatfield, *clericus artillarie nauium domini regis*, appears as receiving numerous standards, bows, arrows, and lances, but neither cannon nor powder (Exch. Accounts, K. R., 396/15). In the fifteenth century, *artiller* is still sometimes almost equivalent to bowyer: *New English Dictionary*, s.v.

⁴⁰ For instance the gunners at the siege of Calais of 1346-7 were included with masons, carpenters, armourers, &c., among 'artificers and workmen' in a different category from the various classes of fighting men: Wrottesley, *ubi supra*, p. 203. Gunners were still reckoned as artificers in 1417: Translator of Livius, *Life of Henry V*, p. 80 (ed. Kingsford, 1911).

⁴¹ Issue Rolls Pells, Easter 27 Edw. III, m. 20; Mich. 28 Edw. III, m. 18; Easter 28 Edw. III, m. 17. For Patrick, see *Cal. of Close Rolls*, 1360-4, pp. 373, 503.

⁴² Brantingham's *Issue Roll*, p. 33, ed. Devon.

they were placed, the gunpowder with which they were fired, or at least its ingredients, the ammunition, and the tampions and other accessories for their firing. It was part of their business to round off stones to fit the calibre of their own guns, and if they did not also cast leaden pellets, they at least provided moulds of the appropriate size for this purpose, and sometimes the raw lead to make bullets with. Upon occasion they hired themselves out to work their own guns.

The Tower wardrobe was not to any large extent a cannon factory, though the earliest firearms of which we have exact particulars, the 'ribalds' of 1345-6, were constructed in the Tower by the king's smiths and carpenters (III *a* and *b*). In later times cannon were comparatively seldom constructed there; yet it had a small permanent staff under an officer such as William Byker, which was able to repair guns frequently, and occasionally to make a few small ones. When, however, Byker, or the king's smith in the Tower, manufactured a gun or a springald, he was paid for it like the outside workmen. Such men are, therefore, hardly an exception to the general rule that all the processes of manufacturing guns and gunpowder were carried on by private individuals. It has often been said that the earliest English cannon came from abroad, but the evidence of our records is that all persons mentioned as having anything to do with the making of cannon or ammunition were Londoners, or at least men with apparently English names who did their work in London. Instances are the above-mentioned William Woodward, who is described as a Londoner, William Byker, John Mollyng of Cornhill, and Stephen atte Marsh, *faber domini regis in turre Londoniarum*. All these four made cannon for Hatton (XIV *a*). To them we may add William the Founder, of London.⁴³ Even the earliest recorded makers of cannon are Englishmen mainly working in the capital. They include William of Aldgate, brazier, 1353-60 (V), John Cornwall, *artiller*, 1361 (VI), John Brazier of Cornhill, 1361 (VI), and Peter the Joiner (X). In the reign of Henry V, however, gun-masters from Germany were imported into England.⁴⁴

As the use of guns increased, the constant need for repairing the primitive gun and the large sums charged by outside traders for ammunition were strong inducements to the Tower office to occupy itself both with the repair of cannon and the preparation of ammunition. From 1352 onwards a mortar and pestle were provided for compounding gunpowder (V), though this modest

⁴³ Devon's *Issue Rolls*, p. 227.

⁴⁴ The details in the text sufficiently answer Brackenbury's statement (p. 47), 'It seems strange that it should nowhere be mentioned who was the maker of these English guns, and certainly as yet we are unable to state that any of them were either forged or cast at home.'

provision satisfied the Tower demand until the end of our period. After 1373 four moulds were needed for casting bullets (X), and from Hatton's time onwards workmen were engaged in the Tower in rounding stones for his cannon (XIVa). By the end of Edward III's reign we have for the first time elaborate details of the cost of making gunpowder and cannon balls, and learn that the operatives received on the average the high wage of 6d. a day. We are told how bags of hide were made to carry the powder, how pestles and mortars were procured to mix the ingredients, how scales were purchased for weighing them, how trays of wood and brass were provided for drying the powder in the sun or over the fire, how provision was made of moulds for the cannon balls, and of barrels great and small with appropriate locks for storing the manufactured product. Yet the cost of two years' activity was only £25, and the sum of all the labour employed in the manufacture of missiles and gunpowder only amounts to 126 days' work of a single workman. However, the raw material was separately paid for, and we read the recorded prices of charcoal and willow faggots, though in the same document we also learn that 135 lb. of saltpetre and 49 lb. of quick sulphur would make 184 lb. of gunpowder, the cheap charcoal being altogether ignored (X). Large quantities of lead were transferred from the works department of Westminster palace for making 'pellets' for the king's guns. At the end of Sleaford's account there remained a certain amount of gunpowder and its ingredients in the Tower, but every gun, great or small, had been dispatched to the fields of operations. An entry mentioning artillery 'weak, broken, noisome, used up, and broken and wasted in trials and assays' between 1365 and 1377 throws some light on the imperfections of primitive firearms (XI, compare XIV b). As the use of firearms increased, men slowly began to specialize in working them. As early as 1346 we have 'gunners', as distinct from *artillatores*.⁴⁵ Twenty years later they were also called cannoniers. Under Richard II, we have seen that it was worth the while of private 'cannoniers' to cast guns and let them out for hire, along with their own services to work them. By 1369 a sub-department for gunnery was already established within the Tower wardrobe; and we still have the accounts of John Derby, *clericus pro officio gunnorum regis*, from 1 March 1370 to 31 March 1374.⁴⁶ Derby was a clerk in the ecclesiastical sense, and,

⁴⁵ Wrottesley, *Creey and Calais*, p. 203.

⁴⁶ See *Archaeologia*, xxxii. 386-7, for Derby's account from 1 March 1370-31 March 1374. The amount for the four years is only £24 12s. 5d. It should be remembered, however, that Derby's business was with the distribution, rather than with the manufacture of firearms. See also L. T. R., *Foreign Accounts*, no. 3. 43 Edw. III, m. 1 d, which shows that Derby accounted from 1 September 1369 to 30 September 1370, 'de custubus et expensis per ipsum factis circa cariagium et saluam custodiam lectorum,

moreover, subordinate to the keeper of the privy wardrobe, to whom he rendered his accounts. The amount of these accounts was exceedingly insignificant, not more than one per cent. of his official superior's modest budget of about £500 a year.

In other strongholds than the Tower there were now special officers appointed to have charge of firearms. By 1375 William Newlyn was *magister gunnorum de villa Calesie* (XI). In 1373-5, John Arblaster, *valettus artillerie* at Queenborough (X), and in 1381-2 William Arblaster, who purchased saltpetre for gunpowder, show that the expert in the crossbow was still the expert in gunnery. All these were engineers, not accounting officers, or clerks.

The accounts give us many valuable details as to the nature of early English firearms. Nearly all our earliest guns whose constitution is specified were made of *cuprum*. Whether this term should be translated as copper, brass, or bronze, experts alone can determine, but we may feel fairly sure that *cuprum* is much the same as the 'metal' of contemporary foreign accounts, that is hardened copper or brass.⁴⁷ It was not until 1397 that the privy wardrobe recognizes *canons d'aresme* (XV), though smaller accessories, such as mortars, were made of brass at earlier periods (X); and some of the makers of these guns of *cuprum* are described as braziers. Latten guns first appear in 1372, and perhaps earlier in the six guns belonging to the city of London.⁴⁸ Iron cannon, first mentioned in 1369-71, were provided in considerable numbers for the expedition of 1372. For this Derby was responsible for 29 iron guns and 12 of latten.

Cannon were cheap in the fourteenth century, even when we make allowance for the smallness of their size. The whole cost of the hundred 'ribalds' of 1345, including their transport, was little more than a pound each (III), and the earliest recorded price for cannon in 1353 was 13s. 4d. each, when a 'springald', or great crossbow, cost 66s. 8d. (V). The gun presented to Earl Lionel in 1361 only cost 6s. 8d. (VI). In 1373-5 a gun of latten with three 'pots' could be got for 20s. (X). Under Richard II a small iron cannon cost 20s. or 26s. 8d., and a 'great cannon of copper' little more than £3. Woodward's forty-seven 'great cannon' were bought for more than £6 6s. each, and his biggest and most complicated weapon, to which we shall often have to refer, only fetched £12 5s. 8d. (XIV a). This elaborate instrument cost more than 4½d. a pound; but the average price

vessellamentorum auri et argenti, et aliarum diuersarum rerum to the amount of £15 7s. 6d. Among the articles thus carried were 'barrels of saltpetre and quick sulphur for the king's guns', but there is nothing in the account to prove that Derby was then clerk of the guns. If he were, it looks as if this post were to begin with an incident of a more general office connected with the king's chamber.

⁴⁷ Lacabane, p. 51; Brackenbury, i. 8.

⁴⁸ *Letter-book F*, p. 1.

of cannon seems to have been 4*d.* a pound, and in some cases as little as 3½*d.* was paid per pound. In comparison cannon were much dearer than armour; for instance, prices of the *lorice*, which Keeper Sleaford bought from the merchant John Salman between 1365 and 1370, ranged between 16*s.* 1*d.* and 24*s.* 9*d.* for a *lorica ferri*, and between £3 6*s.* 8*d.* and £4 for a *lorica de acere*.⁴⁹ Foreign instances help to confirm these early prices of cannon. In 1338 ten cannon, five of 'metal' and five of iron, cost at Cambrai £25 2*s.* 7*d.* *tournois*, about £2 5*s.* 3*d.* *tournois* apiece.⁵⁰ It would be a rash thing to say what was the relation of the *livre tournois* of account to the English pound sterling in 1338, but early in Edward I's reign the Tours pound was one-fourth of the English,⁵¹ and the subsequent debasement of currency did not necessarily affect moneys of account. If the ratio still held good for moneys of account, £2 5*s.* 3*d.* *tournois* would be rather less than 11*s.* and 12*s.* sterling.

The accident that the privy wardrobe generally purchased its cannon by weight has preserved the weight of early English guns as well as their price. In the earliest instances the price only is recorded, but we may safely assume that these cannon were certainly not cheaper than those bought half a generation later, so that our knowledge of the average price per pound in later times gives us means of making a rough guess of the weight and therefore the size which they attained. It is certain that the earliest cannon of Edward III must have been very small. At 4*d.* a pound the four guns *de cupro* made for Rothwell between 1353 and 1360 could only have weighed 40 lb. each (V); and at the same rate the small gun of *cuprum* taken by Lionel of Antwerp to Ireland in 1361 only weighed 20 lb. We have firmer ground for generalizations for the years of Hatton's account, when between 1382 and 1388 he purchased eighty-seven new guns, no less than seventy-three of which were cast by William Woodward. Woodward carefully recorded the weights of the various groups of cannon made by him, and we are even told in what cases the hundred means 112 lb., and when it only means the ordinary hundred. The only case where the precise value of the hundred is not given, is that of the biggest gun by Woodward, which weighed either 737 or 665 lb., but this was an exceptional piece. The normal 'great cannon' was hardly more than half this size. Forty-seven such guns cast by Woodward averaged 380 lb. each, and five others work out at 318 lb. each. But four brass cannon, averaging 150 lb. each, are still described as 'great cannon'. Of course these weights are for the barrel alone. The gun-carriage, or stand, was paid for

⁴⁹ Exch. Accounts, K. R., 395/1.

⁵⁰ Lacabano, p. 51; appendix to *Chronique Normande*, p. 215.

⁵¹ Pipe Roll, 5 Edw. I, m. 22.

separately, as we shall soon see. It is clear, however, that the Tower accounts give next to no countenance to the view which some recent writers have expressed, that primitive cannon were unwieldy monsters, incapable of being carried about, and only suitable for garrison and siege purposes (IX). It was not until the second or third generation of firearms that really heavy siege artillery was commonly constructed. Even Woodward's great gun owed its weight to its ten barrels for pellets and quarrels which must have been too small to have been very useful for siege purposes.

Small as the great cannon of this time were, smaller firearms were cast, even in the earliest period of the new artillery, which were contrasted with the modest 'great guns' of the period. Woodward's accounts give us a notion as to what the lighter guns of the reign of Richard II were like. Among the artillery Woodward cast for the king were seven *canones minores* of an average weight of 49 lb., and nine *canones parvi* which work out at 43 lb. each. More significant even than these figures is the fact that in January 1386 Hatton delivered to the chamberlain of Berwick 'three small cannon of brass, called handgonnes' (XIV b).⁵² I have unluckily found no details of their manufacture, but they were clearly much lighter than any of the products of Woodward's factory. The entry is significant since it clearly establishes the use of hand-guns a good generation further back than they have hitherto been known to exist, even on the continent. Köhler knows of no hand-guns before 1405 and 1410,⁵³ and the earliest examples of the use of the term hand-gun in English, quoted in the *New English Dictionary*, are as late as 1446 and 1449.⁵⁴ It would have been surprising, however, if it had taken men so long to find out the use of hand-guns. A single barrel of the primitive *ribaudequin*, mounted so that it could be wielded by hand, would not have been hard to devise. Indeed it is probable that the thing existed before the name, and we must not forget that the earliest cannon were called *manualia ingenia*. Moreover the eight guns to which Sleaford caused handles to be fixed after the fashion of pikes, could only have been hand-guns, especially as some hatchets were at the same time fitted with the same sort of handles (X, *pro heluyng viij gunnorum et x hatchetorum . . . ad modum pycoys . . . xiiij s.*). And Brackenbury (ii. 46) points out the extreme probability that the guns used in 1375 in the attack on Huntercombe 'can have been little, if at all,

⁵² In 1386 Froissart speaks of 'bombardes portatives': *Chroniques*, x. 125 (ed. Lettenhove).

⁵³ *Kriegswesen*, iii. 1, 329.

⁵⁴ To these the 'handgone' of Nicolas's *Navy*, ii. 475, under its true date of 22 June 1411, should have been added. The twenty-four 'quarell gunnes' bought by Henry IV's exchequer in 1400 at 7s. each must also have been hand-guns: *Devon, Issue Rolls*, Hen. III—Hen. VI, p. 277.

different from the field guns of later date'. Such facts are enough to qualify the view that 'the first use of the smaller firearms in England is to be found in the wars of the Roses'.⁵⁵

The mode of fitting primitive artillery is also illustrated by the records. The *ribaudequins*, as we have seen, were carried about in small carts with two or four wheels. These carriages Froissart likens to wheelbarrows, and other writers to *petits charrois*. Heavier guns were provided with stationary stands of wood called *telaria* or 'tillers'. Here again the gun was equipped like its predecessor the *balista*, for there were *telaria balistarum* long before there were *telaria gunnorum*.⁵⁶ By Hatton's time, the ordinary stand for a great gun was called a 'trunk'. The cost of a 'great trunk, made of wood, and bound with iron', was 18s. 4d.; and the trunk to Woodward's exceptionally large gun cost 30s. On one occasion Hatton accounted for the purchase of fifty-nine trunks. What these trunks were like can be seen from contemporary drawings of early artillery in illuminated manuscripts. In the well-known representation of a very early gun in a manuscript of Walter de Millemete at Christ Church, Oxford, the trunk is something like a low four-legged table, with a slightly concave top. In most contemporary illustrations the trunk, or tiller, is a stationary apparatus of wood, though sometimes mounted on low wheels. It is clear, however, from several privy wardrobe references that guns, both great and small, were generally carried about the country in carts (e.g. XIV a). Even the light guns of this period were not field artillery in the sense of guns which could be moved about the country ready for battle, but they could and did accompany armies in carts. It was easy to put them in position to fight defensive battles, such as the English affected.

For the smallest firearms trunks were not provided, but *baculi grossi et curti ligati cum ferro*. An early fifteenth-century German hand-gun figured in Köhler's *Kriegswesen*⁵⁷ probably shows pretty clearly the nature of the iron-bound staffs, used for the primitive hand-guns. The stock is here fixed to the gun barrel, very much after the fashion of pikes, as is described in Sleaford's accounts; and the gun is held under the arm of the gunner, with the end of the stock resting on the ground, and fired from a touch-hole. We may now call these 'gunstocks', for that word occurs in 1398, when it is clearly used as a synonym for 'trunk' (XV note 30).⁵⁸ It is not impossible, however, that the *baculi* were rests on which the hand-gun could be placed when discharged in the field, like the well-known rests of the later

⁵⁵ *Social England*, ii. 332 (1894).

⁵⁶ Pipe Roll, 27 Edw. III, m. 34.

⁵⁷ iii, figs. vi, xi.

⁵⁸ The earliest quotation in the *New English Dictionary* which employs the term 'gunstock' is as late as 1495-7.

arquebuss. However this may be, hand-guns thus equipped were quite the exception at this time. When fifty-three greater or lesser trunks were needed for great cannon, only four *baculi* were furnished for guns of small dimensions (XIV a). They cost, however, 3s. 4d. each. Indeed, so long as the hand-gun was in construction exactly the same as a very small cannon, no amount of ingenuity in providing it with a stock would make it a very practical weapon.

The earliest missiles for firearms were quarrels, analogous in type to the bolt of the crossbow. Such quarrels were winged (*pennate*), sometimes with brass and iron, and sometimes with feathers.⁵⁹ Clearly the latter variety were impossible for firearms, but the former continued to be employed, especially for small guns, to the end of our period.⁶⁰ But they were soon almost superseded by pellets, or small balls of lead. Under Richard II projectiles were differentiated according to the type of cannon employed. Leaden pellets were now only regarded as appropriate for small cannon, while stones, wrought to fit the bores, were the ordinary missiles for heavier artillery. The iron balls, common in Italy, appear in neither reign.⁶¹ It would be interesting if we could determine the limits of size for cannon which were appropriate for lead and stone balls respectively. A hint is suggested in this direction by the fact that John Mollyng of Cornhill, who cast for Hatton 'great cannon of brass' weighing 181, 234, and 266 lb., supplied only round stones as missiles for these very moderately heavy guns. Woodward provided both stones and lead, and also a mould for casting balls, which was no doubt adapted for his nine small cannon, averaging 43 lb. each, and constructed *pro pellottis et quarrellis*. A thousand pellets of lead sent in 1380 to Corfe castle weighed either 315 or 285 lb. (XII), and therefore less than a third of a pound each. At the other end of the scale stand ten guns used for the defence of Cherbourg by the English in 1379, 'seven of the said guns casting large stones twenty-four inches in circumference, and the three remaining, large stones fifteen inches in circumference.'⁶² Really large cannon begin, then, about the same time as hand-guns.

With regard to the minor accessories of firing, the accounts show that wooden 'tampions', or wads, were used to separate the gunpowder from the missile, and that the charges were ignited by 'touches', supplied with fire from 'firing pans' of metal, which seem to have been carried about charged with live

⁵⁹ Exch. Accounts, K. R. 392/14.

⁶⁰ One of these *quarrelle pennate* is figured in Brackenbury's *Ancient Cannon*, i. 6, from the fifteenth-century manuscript, Brit. Mus., Add. MS. 24945, f. 94.

⁶¹ They were also unknown in France: Brackenbury, p. 33.

⁶² Devon, *Issue Rolle*, Hen. III—Hen. VI, pp. 212-13. Brackenbury, p. 34, mentions projectiles between 60 and 130 lb. in 1377, and some of 450 lb.

coals for the purpose. There were also 'drivells', or ramrods of iron for driving the charge home.

The construction of primitive cannon was often very elaborate. Many were equipped with movable breeches or 'chambers', which were often made in duplicate.⁶³ It is sometimes very difficult to distinguish between cannon provided with duplicate chambers and guns with two or more barrels. The most complicated weapon recorded was Woodward's gun, weighing 665 lb. This had one *foramen* for great stones, and ten other *foramina* for pellets or 'great quarrels'. It must, in fact, have been an eleven-barrelled weapon, in which one great barrel was surrounded by ten small ones, which sent forth leaden bullets of modest dimensions. We hear also of a cannon with three 'pots', which only cost 20s. (XI). It is hard to be quite sure whether these 'pots' were movable chambers or separate barrels. Often cannon were spoken of as having two or more *capita* or *testes*. Cannon 'with two heads' were fairly common. One such 'great cannon for stones' was sent in 1386 to Brest, and two similar brass cannon, weighing 266 and 175 lb. respectively, went in the same year to Porchester (XIV b). Other cannon of this type were sent to Berwick (*ibid.*). It is impossible to believe that such cannon were complete failures, as they were so common, but it is perhaps significant that Woodward's experiment was never repeated.

It has often been said that down to Elizabeth's time 'most of the gunpowder used in England was imported from abroad'.⁶⁴ Whatever may be the case in later times, there is no evidence of any imported gunpowder in England in the fourteenth century. In comparison with the prices of guns, gunpowder was very dear.⁶⁵ Saltpetre was the expensive and rare ingredient, costing 18*d.* a lb. in 1347, when sulphur was 8*d.* a lb., and 15*d.* a lb. in 1379, when sulphur was 6*d.* a lb.⁶⁶ Charcoal, preferably from willow wood, was of course cheap and generally procurable. The increased demand for powder had little effect in reducing the price, and Hatton, buying nearly 4,000 lb., had to pay Woodward the same rate of 18*d.* a lb. that Rothwell had paid for the trifling quantity of 16½ lb. thirty years earlier (IV). Byker, however, sold his powder at 16*d.* a lb., though he had apparently not much to dispose of at that rate. At the end of Edward III's reign surplus stores of powder were sold at 8*d.* a lb., but this had probably deteriorated by keeping (XI). The dearth of the manufactured article and the risks attending its transport may

⁶³ The Italian instances, in Brackenbury, ii. 48 *seqq.*, are of about 1380, and show some curious variations from English usage, but more frequently great analogies to it.

⁶⁴ *Rise and Progress of British Explosives Industry*, 1909, p. 10.

⁶⁵ Brackenbury, ii. 32, brings this out clearly.

⁶⁶ *Archaeologia*, xxxii. 382, 384. In XIV a, saltpetre varies between 1*s.* and 3*s.* 4*d.*, and sulphur costs only 2*d.* a lb.

well have combined to establish the usual custom of purchasing the ingredients separately and making the finished product in the Tower. Often the various garrisons had their saltpetre, sulphur, and even their charcoal, sent to them separately, so that they also could make powder on the spot.

T. F. Tout.

APPENDIX

- I. Account of John de Flete, clericus camere, 25 January 1333 to 31 July 1334 (Exch. Accounts, K. R. 386/15).

j quart. de salpetre, precii vj d.; iij lb. sulphuris viui, precii ijs. vj d.; iv lb. sulphuris simplicis, precii ijs.

- II. Issues from the Chamber, 18-29 Edw. III. Burton's account of *denarii soluti extra cameram regis*. . . . 25 December 1344 to 18 October 1347 (*ibid.* 391/1, m. 1. Printed by Joseph Hunter in *Archaeologia*, xxxii. 381).

Thome de Roldeston, clerico secretre garderobe regis . . . super factura pulueris pro ingeniis et emendacione diuersarum armaturarum, xl s.

Undated, but between entries dated 23 March and 27 April 1346.

- III. (a) Privy Wardrobe Account of Robert de Mildenhale, 17 October 1344 to 29 September 1351 (Pipe Roll, 27 Edw. III, m. 34. Printed by Joseph Burt in *Archaeological Journal*, xix. 68-75 (1862)).

Expense. . . . Et per aliud breue regis de predicto sigillo griffonis, datum primo die Feb. anno xix^o (1345), per quod rex mandauit eidem custodi quod omnes arcus, . . . armaturas, gunnis cum sagittis et pelletis reparare, et coffras et dolea pro eis imponendis et trussandis prouidere et emere, et ea in nauibus¹ pro passagio regis eskippari faceret. . . . Et in centum minutis ingeniis vocatis ribaldis, pro passagio regis versus Normanniam et alias partes transmarinas, faciendis, bordis et alio meremio, rotis, axibus, clauis, lanceis ferreis asceratis, cordis et aliis minutis necessariis pro eisdem emptis, una cum cariagio dictarum bordarum, rotarum, et aliarum rerum premissarum de diuersis locis ubi empte fuerunt et prouise usque predictam turrim regis, ac etiam stipendiis carpentariorum ingenia illa faciencium per diuersas vices dicto anno xix^o, c xviii li. ix s. iij d. et ob., per breue regis de predicto sigillo, datum primo die Oct. predicto anno xix^o, per quod rex mandauit eidem custodi quod centum ribaldos pro guerra regis fieri faceret, sicut continetur ibidem. De quibus ribaldis respondet infra.

Writ of 4 March 1346 quod omnes . . . armaturas, gunnis cum pelletis et puluere pro eisdem gunnis, . . . tam in custodia eiusdem custodis quam in custodia Thome de Roldeston, clerici regis, existentes, pro passagio ipsius regis ordinatas, reparari . . . eskippari . . . et prefato Thome pro predicto passagio regis liberari faceret, et per quod breue rex vult quod de vadiis, misis, et expensis aliis circa premissa . . . idem custos habet allocacionem.

² Ac etiam in carriagio earundem rerum . . . et in batillagio earundem et predictorum ribaldorum de eadem turri usque ad naues in la Pole

¹ *manibus* in roll.

² This paragraph is not printed by Burt.

juxta eandem turrin, ad ducendos cum rege, pro predicto passagio suo usque partes Francie.

³ Et in magno ingenio in predicta turri disiungendo, et eodem simul cum aliis ij ingeniis ibidem tractando vsque le Watergate ad iij shoutas ibidem prouisas pro ingeniis illis ducendis ad naues regis in la Pole et apud Grenewych, pro eisdem et aliis rebus infrascriptis ducendis vsque Caleis ad regem, et eciam portagio x gunnorum cum telariis, ix coffrarum cum armatura, vj peciarum plumbi, v barellorum pulueris, et c magnarum pelotarum plumbi pro eisdem gunnis, vsque dictas shoutas, iij bordarum pro uno coffro ad cauillas predictorum ingeniorum imponendas inde faciendo, clauium ferri pro eodem, et ij cabulorum pro dictis ingeniis emptorum, vna cum conduccione predictorum iij shoutarum, et vadiis et stipendiis carpentariorum et portitorum diuersorum . . . xiiij li. iij s. xj d. [by privy seal of 1 September 1346] quod omnia ingenia et gunna cum eorum apparatu in turri regis predicta, et alia diuersa, scilicet . . . pelotas, barellos, et salpetram et pulueres, et omnimodas res alias ad ingenia et gunnos illos spectantes . . . eskippari et ea omnia Waltero de Westone et Thome de Copham, clericis regis, ad ducenda ad regem apud Calesiam liberari faceret. . .

[*Ibid.* m. 34d.] ² Et misit regi vsque Calesiam, inter alias armaturas et res regi ibidem missas per Clementem atte Merke, valetum camere sue, ix coffras cum armatura regis que venerunt de Caen in Normandia per breue regis de priuato sigillo datum i^o die Sept. anno xx^o [1346], per quod rex mandauit eidem custodi quod easdem coffras cum armatura regis et manualia ingenia vocata gunnys cum salpetre, sulphure viuo, et pelletis in custodia ipsius custodis existencia ad regem apud Calesiam venire faceret.

³ Idem reddit compotum de ij ingeniis cum apparatu; x gunnis cum telariis vnde ij grossis; v paruis barellis cum salpetre, sulphure viuo, et alio puluere pro dictis gunnis; lxxij pelletis plumbi grossis; xxxj paruis pelletis; vj peciis plumbi; ij incudibus; viij martellis; vj paribus tenellarum; x garbis asceris; v^o lb. ferri Ispanici; ij paribus suffocarium; ij bicornes; ij tonyrnes; similiter receptis de Thoma de Hattefelde in garderoba predicta, per diuersas vices infra dictum tempus huius compoti, sicut continetur in dicto rotulo de particulis.

² Et Ricardo de Sancto Albano, carpentario, ad opus regis, c ingenia vocata ribardos [*sic*] et mille lanceas ferri, pro eisdem, per breue regis de predicto sigillo griffonis, datum primo die Aprilis dicto anno xx^o. . . De quibus ribaldis et lanceis idem Ricardus debet respondere.

³ Et missas regi vsque Calesiam inter alias armaturas et res regi ibidem missas per Clementem atte Merke, valetum camere sue, ij ingenia cum apparatu; x gunnum [*sic*] cum telariis, quorum ij grossa; v paruus barellos cum salpetre et sulphure viuo; lxxij pelotas plumbi grossas, xxxj paruas pelotas, et vj pecias plumbi pro gunnis [by writs of 1 and 2 September 1346].⁴

¹ This paragraph is not printed by Burt.

² Printed by Burt.

⁴ Mildenhall's accounts, 30 September 1351 to 8 May 1353, are in Pipe Roll, 27 Edw. III, m. 36.

III (b). Extracts from the Issue Rolls, 1345-7.

[Monday 10 October 1345.] Roberto de Mildenhale, clerico, custodi armaturarum regis infra turrim Londoniarum, in denariis sibi liberatis per manus Ricardi de Sancto Albano super factura quorundam ribaldorum ad opus regis, xl s. (Issue Rolls, Pells, no. 146, Mich. 20 Edw. III, m. 1.)

[15 October.] Roberto de Mildenhale, clerico, in denariis sibi liberatis per manus Walteri, fabri regis in turri Londoniarum, super factura ferramentorum pro ribaldi regis, per breue de priuato sigillo inter mandata de termino Paschali proximo preterito, lx s. (*Ibid.* m. 4.)

[Wednesday 16 November.] Roberto de Mildenhale, clerico, custodi armaturarum et quorundam aliorum hemesiorum infra turrim Londoniarum, in denariis sibi liberatis per manus Ricardi de Sancto Albano super factura ribaldorum ad opus regis, per breue de priuato sigillo inter mandata de hoc termino, xx s. (*Ibid.* m. 11.)

[Before 23 December.] Roberto de Mildenhale, clerico . . . in denariis sibi liberatis per manus proprias super factura ribaldorum . . . xij li. xij s. (*Ibid.* m. 21.)

Roberto de Mildenhale, clerico, custodi armaturarum et quarundam aliarum rerum infra turrim Londoniarum, in denariis sibi liberatis per manus proprias super factura ribaldorum . . . x li. (*Ibid.* m. 24.)

[18 February 1346.] Eidem Roberto . . . x li. (*Ibid.* m. 31.)

[2 March 1346.] Roberto de Mildenhale, clerico, custodi armaturarum et quarundam aliarum rerum regis infra turrim Londoniarum, in denariis sibi liberatis per manus proprias super factura ribaldorum ad opus regis infra turrim predictam, vij li. (*Ibid.* m. 34.)

[13 March 1346.] Roberto de Mildenhale, clerico, custodi armaturarum et quarundam aliarum rerum infra turrim Londoniarum, in denariis sibi liberatis per manus proprias super factura ribaldorum et capitum quarrellorum ad opus regis, xxvj li. xij s. iiij d. (*Ibid.* m. 37.)

Similar entry. lxxvj li. xij s. iiij d. (*Ibid.* m. 45.)

[Saturday 17 February 1347.] Euerardo Crouel, marinario cuiusdam nauis nuper frettate cum ribaldi regis ducendis versus partes transmarinas, in denariis sibi liberatis pro vadiis suis et marinariis in eadem naue existentibus, xl s. (*Ibid.* Mich. 21 Edw. III, m. 36.)

IV. Great Wardrobe Accounts of John Cook (Enrolled Accounts (W. and H.), 3, mm. 44-6). Printed by Joseph Hunter in *Archaeologia*, xxxii. 381-2, 22 December 1345 to 31 January 1349.

a. [10 May 1346.] Et eidem Thome de Roldeston, per manus Willelmi de Stanes, ad opus ipsius regis pro gunnis suis ix^o xij lb. salpetre, et viij^c iiij^{xx} vj lb. sulphuris viui per breue regis, datum x^o die Maii dicto anno xx^o [1346], per quod rex mandauit prefato custodi quod computaret cum prefato Willelmo de salpetra et sulphure viuo per ipsum prouisis, et de precepto ipsius regis prefato Thome liberatis ad opus ipsius regis, allocando eidem rationabile precium percellarum quas idem Willelmus per indenturam prefato Thome liberauit, per indenturam ipsius Thome recepcionem eiusdem salpetre et sulphuris viui testificantem, sicut continetur ibidem. (m. 44d.)

b.⁵ [13 May 1346.] Surplusagium Johannis Cok... de quibus debentur . . . Willelmo de Stanes pro diuersis particulis salpetri et sulphuris viui ab eodem emptis, ut per billam . . . de data xij^o die Maii anno regni regis xx^o, lxvij li. xvs. (m. 46.)

c. [25 November 1346.] Et eidem Thome ad opus regis pro gunnis suis vj^o l lb. salpetre et iij^o x lb. sulphuris viui per breue regis, datum xxv^o die Nov. [1346], per quod rex mandauit prefato custodi quod prouideri faceret ad opus regis totum saltepetrum et sulphur viuum quod inueniri poterat vendendum, et illud prefato Thome liberari faceret per indenturam ipsius Thome receptionem eiusdem salpetre et sulphuris viui testificantem, sicut continetur ibidem. (m. 44d.)

d. [15 September 1347.] Et Willelmo Stanes, pro ij^ml xxj lb. de salpetro et iij^o c lxvj lb. sulphuris viui ab eodem Willelmo ad opus regis per Thomam de Roldeston, clericum priuate garderobe regis, emptis, c lxvij li. ij s. ij d., precium cuiuslibet libre salpetre xvij d., et sulphuris viui viij d., per breue regis de priuato sigillo, datum xv^o die Sept. hoc anno xxj^o, per quod rex mandauit, etc. (m. 45.)

V. Privy Wardrobe Account of William de Rothwell, 9 May 1353 to 24 June 1360 (Exch. Accounts, K. R. 392/14, also in Pipe Roll, 35 Edw. III, m. 53).

Et in iij gunnis de cupro, factis et operatis per Willelmum de Algate, brasier, capientem pro qualibet pecia, pro omnibus misis et expensis per ipsum apportatis, ex certa conuentione facta et pro maiore commodo regis, xij s. iij d. per eadem breuia [i.e. of 1 June and 26 July 1353] . . . liij s. iij d. Et in xij springaldis factis et reparatis per magistrum Iohannem Byker, artillatorem domini nostri regis, et alios diuersos operarios sub ipso operantes infra turrim Londoniarum, capientem pro qualibet pecia . . . lxvj s. viij d. Et in . . . xvj lb. dim. pulueris pro gunnis, precii lb. xvij d.⁶

Recepta de stuffa Calesie, etc. j morterium de cupro cum vno pestollo ferri.

The same account records the purchase of 8,816 quarells for springalds and baliste, 'quarum iij^ml vj^o l pennate de ere et plata ferri, et iij^ml c lxvj pennate cum pennis auarum.' Rothwell's receipts from Mildenhall, 9 May 1353, include 1533 bows and 182 baliste.

VI. Privy Wardrobe Accounts of Henry de Snayth, 24 June 1360 to 1 July 1362 (Exch. Accounts, K.R., 394/2, and in Enrolled Accounts (W. and H.), no. 4, m. 5).

Particule compoti H. de Snayth, etc. . . de omnimodis receptis arcuum, . . . balistarum, gunnorum, quarellorum, armaturarum, etc.

Recepta. [Easter term 1361.] Per manus Iohannis Cornewaille, artiller, . . . pro diuersis rebus ab eo emptis . . . viz. xj^ml vj^o quarellis, xvj balistas et quinque gunnis, xxj li. xvij s. x d.⁷

⁵ Not printed by Hunter.

⁶ Both guns and springalds were received from Mildenhall, though paid for by Rothwell.

⁷ See also Devon, *Issue Rolls*, Hen. III.—Hen. VI, p. 175. Cornwall is there called 'engineer'.

Expense. In quinque gunnis . . . emptis de Iohanne Cornewaille, artiller [as above]. Et in vno paruo gunne de cupro, empto de Iohanne Brasier de Cornhull, primo die Augusti anno xxxv^o [1361] . . . ad opus regis pro dono faciendo domino Leonello filio suo . . . precii vj s. viij d.

[To William de Rothwell, late keeper of the Privy Wardrobe . . . 24 June 1360, by indenture.] Item unum morterium de cupro cum vno pestello de ferro. . . . Item iiij gunnes de cupro. . . . Item xvj lb. de puluere pro gunnis. . . .

De diuersis rebus . . . emptis.

vj gunnes.

Summa totalis recepte. Unum morterium de cupro cum vno pestello ferri; x gunnes de cupro; xvj lb. de puluere pro gunnis.

Diuerse liberaciones. Rogero de Corndale, garderobario domini Leonelli comitis Ultonie, pro viagio ipsius comitis versus partes Hibernie xvj lb. pulueris pro gunnis.

Remanent in dicta garderoba.

Unum morterium de cupro cum j pestello ferri; ix gunnes de cupro.⁸

VII. Sleaford's Privy Wardrobe Account, 20 January 1365 to 20 January 1370 (Exch. Account, K. R. 395/1, and in Enrolled Accounts (W. and H.), no. 4, mm. 19-20.)

Particule diuersarum armaturarum receptorum de Henrico de Snayth, nuper clerico priuato garderobe.

Unum morterium de cupro cum uno pestello ferri; ix gunnes de cupro.

Diuerse armature recepte ad receptum scaccarii. Item inuenti in dicta priuata garderoba regis ij magni gunnes de cupro.

Liberaciones armaturarum factarum infra priuata garderoba. Domino Iohanni Foxle, constabulario castri regis in insula de Shippey, pro stauo in eodem castro habendo, per breue de priuato sigillo [12 June 1365]; ij gunnes magni de cupro; ix gunnes parui de cupro; j morterium eneum magnum cum vno pestello ferri [p.s. mandate for delivery, and indenture of delivery in K. R. 395/6].

Summa liberacionum. j morterium cum vno pestello; xj gunnes de cupro. *Et remanent in garderoba* [no guns or gunpowder].

VIII. A roll of Privy Wardrobe Receipts of 1369, almost illegible (*Ibid.* 396/12).

Diuerse particule armature et aliarum rerum receptorum de Iohanne Salman, mercatore, ad opus regis.

xxj g[unnes] . . . ix gunnes . . . v barelli sulphuris.

IX. Mandate under p.s. of 4 March 1371 to Sleaford to deliver to the constable of Dover Castle (*Ibid.* 396/15).

. . . sys gunnes, vn barell de sulphur vyf, vn barell de salpêtre . . . pur demorer en la garnisture de nostre chastel. . . .⁹

Indenture of receipt appended, same date.

⁸ Snaith's account, 1 July 1362 to 20 January 1365, Exch. Accounts, K. R. 394/14, and Enrolled Accounts (W. and H.), no. 4, m. 9, adds nothing to the above particulars; the nine copper guns were still among his 'remnant' on quitting office.

⁹ Sleaford's account, 41-6 Edw. III, is in Enrolled Accounts (W. and H.), no. 4, m. 20.

X. Sleaford's Privy Wardrobe Account 20 January 1373 to 20 January 1375 (*Ibid.* 397/10, and in L. T. R., Foreign Accounts, 49 Edw. III, B. m. 2). Cf. also *Particule compoti Iohannis de Derby*, 1 March 1370 to 30 March 1374, printed in *Archaeologia*, xxxii. 386-7. Sleaford's account is summarized under wrong dates in Nicolas's *Royal Navy*, ii. 479-81.

Et pro heluyng¹⁰ viij gunnorum et x hachetorum de stauro antiquo ad modum pycoys, ex conuencione facta in grosso cum quodam joignour, xiiij s. . . Et in vadiis duorum operariorum, vtroque eorum ad vj d. per diem per unum diem et dimidium, duorum operariorum, vtroque eorum ad vj d. per diem per x dies, vnus operarii ad vj d. per iij dies, duorum operariorum, vtroque eorum ad vj d. per diem, per xiiij dies, et vnus operarii ad vj d. per diem per xij dies, operancium super factura pulueris et pelottes de plumbo pro gunnes apud turrin Londoniarum, xxxij s. Et pro vno quartone carbonum, precii x d., dimidia centena talwode,¹¹ precii iij s. iij d., empte pro plumbo fundendo et pulueribus siccandis, vs. ijd. Et pro ciij quartonis fagottum salicis pro puluere faciendo, precii centene iij s. vij d. Et pro iij trays de ligno, precii pecia iij d., et pro ollis et patellis eneis, precii in toto xij d., emptis pro puluere ibidem supra ignem et ad solem siccando, ijs. jd. Et pro baggis de coreo pro dictis pulueribus imponendis xs. vij d. Et pro duobus morteriis eneis, iij pestellis ferri, xij cocleariis ferri pro pilis plumbi fundendis, x formulis de latone pro eisdem pilis faciendis, j pari balancearum pro puluere ponderando, xxx barellis paruis cum garnectura haspis et stapuli, pro pilis plumbi imponendis et custodiendis, viij aliis barellis maioribus pro puluere, xxx serruris paruis pendentibus pro predictis xxx barellis, ijc xx lb. salispetri, ij sarces, xvij belowes, xxiiij baggis de coreo pro puluere deliberando, ollis et patellis terre pro puluere ad ignem et solem siccando, iijc fagottum salicis pro carbonibus inde faciendis pro puluere predicto et c talwode, et dimidium; c fagottis emptis ad diuersa precia per Iohannem Derby, clericum; necnon batellagio, portagio, et cariagio plumbi, gunnorum, barellorum, et aliorum necessariorum predictorum per diuersa loca, vna cum vadiis duorum operariorum, et iij operariorum operancium et laborancium super factura pulueris, pilorum et carbonum predictorum per xxij dies, similiter per ipsum Iohannem solutis, inter primum diem Marci anno xliiij^e et ultimum diem Marci anno xlvij^e, xxv li. iij s. viij d., sicut continetur in compoto eiusdem Iohannis Derby, etc.

Liberaciones. Domino Willelmo de Sleaford, clerico operacionum regis infra palacium Westmonasteriensem, super factura diuersorum molen-dinorum manualium, necnon empicione maeremii pro ingeniis [by p.s. of 1 July 1372] lxxvj li. xiiij s. iij d.

Empciones. Petro Joignour . . . pro vno gonne de latone, cum iij potz, precii xx s. empto ut supra [i.e. pro viagio regis super mare] . . . Stephano Smyth . . . pro xiiij patellis ferri pro gunnes, precii pecia v s.; pro ij gunnes grossis ferri, precii pecia xl s.; pro vj martellis ferri pro gunnes, precii pecia x d.; pro xxvij driuelles ferri pro gunnes, precii pecia iij d.; pro xxvij firyngirnes, precii pecia ij d.; pro x paribus forcipum ferri, precii x d.,

¹⁰ Fixing handles to the guns.

¹¹ *Bois de taille*, wood cut for fuel.

emptis ab eo Londoniis pro viagio regis supra mare . . . xix li. xx d. Summa empcionum, iij gunnes, vnde j de latone et ij de ferro. . .

Summa diuersarum particularium remanencium super predicto clerico in compoto suo anni precedentis.

xxvij gunnes, . . . iiij barelli sulphuris viui, vna pipa et ij barelli salis petre pondere m^l l lb.

De domino Willelmo de Sleaford, clerico palatii regis Westmonasterii, pro pelotes pro gunnis regis faciendis, j carrata et vj wage plumbi recepte per unam indenturam. De Iohanne Derby, de remanencia ultimi compoti sui, x formule de latone, c^{xx} iiij iii lb. pulueris pro gunnes prouenientis de c xxxv lb. salis petri et xlix lb. sulphuris viui; ij^c xlij lb. sulphuris viui puri.

[Et computat liberasse Willelmo de Redenesse, receptori et custodi]¹² victualium ville Calesie, pro garnistura eiusdem ville [by p.s. of 28 June, 46 Edw. III], j gone grosse ove trois pootz,¹³ iiij^c petre ingeniorum.

Liberaciones. Et in diuersis particulis armature et artillarie liberatis vsque le nouum galeye pro secundo viagio regis supra mare.

iiij. cressette de ferro pro igne iactando.

Domino Iohanni Derby, clerico pro officio gunnorum regis, pro viagio regis supra mare, anno xlvj^o [1372], xxix gonnes ferri, vj martelli ferri, xxvij driuelles ferri, xxvij firingyrnes, xij patelle ferri, x pares forcipum ferri, vna carrata et vj wage plumbi, vna pipa et ij barelli salis petri, pondere m^l l lb.

Domino Iohanni de Foxley, per manus Iohannis Arblastar, valletii artillarie domini regis apud Quenesburgh, pro stauro ibidem habendo, xxx lb. pulueris pur gonnes, [c xxvi lb. sulphuris viui et]¹⁴ v moldes pro pelottis faciendis.

Domino Iohanni de Foxley, constabulario castri de Quenesburgh, pro stauro ibidem habendo [by p.s. of 12 April 1374], ij^c xxvj lb. de sulphure vyf, xxx lb. de poudre pur gunnes.

Et remanent in eadem garderoba, c petre pro ingeniis et tribigettis, iiij barelli sulphur vyf, c xxiiij lb. pulueris pro gunnis, c xvj lb. sulphuris viui, v moldes de latone, vocate formule.

XI. Privy Wardrobe Account of John de Sleaford, 20 January 1375 to 21 June 1377 (Exch. Accounts, K. R. 397/19), and to 20 July 1378 (*Ibid.* 398/1).

Empciones Iohanni Douat, pro vno barello salpetre, pondere cc lb. j quartron, per centenam de c xij lb., precii lb. viiij^d, empto ab eo Londoniis . . . viij li. viij s.

Summa particularium remanencium . . . anni precedentis. iiij barelli sulphuris viui, xxiiij pulueris pro gunnes, c xvj lb. sulphuris viui et v moldes pro pelottis faciendis vocate formule.

Recepte. De domino Iohanne Derby, nuper clerico gunnorum regis, vj firepannes, vj ladles, xxiiij gunnes m^l v^c xxx lb. plumbi, j morterium eneam cum vno pestello ferri.

¹² Words in brackets from Foreign Accounts, 49 Edw. III, B. m. 2.

¹³ Unum grossum gunnum cum tribus pottis: *ibid.*

¹⁴ From the same.

Liberaciones. Willelmo Newelyn, magistro gunnorum regis ville Calesie, pro garnistura eiusdem ville [by p.s. 6 November 1375, *ibid.* 396/15].

c j lb. pulueris pro gunnis, j barellus salpetre, pondere ijc j quart., j barellus sulphuris viui, pondere ijc lvj lb., c petre ingeniorum.

Domino regi in cameram suam per manus magistri Ricardi Swyft (carpentarii regis¹⁵), ij gunnes.¹⁶

Iohanni de Haytfield, clerico priuate garderober domini regis Ricardi, . . . iiij moldes vocate formule pro pelottis infundendis, xxij gunnes, vj firpannes, vj ladles, j morterium eneum cum vno pestello ferri, m^l v^c xxx lb. plumbi in pelottis [by writ of 4 June 1378; cf. *ibid.* 400/15]. In diuersis particulis artillarie, tam infra turrim Londoniensem remanencibus, debilibus, fractis, putridis, et perusitatis, quam fractis et expendis in probacionibus et assaais balistarum, gunnorum, etc. (20 January 1365 to 21 June 1377).

Summa liberacionum. iiij barelli et c xvj lb. sulphuris viui, c xxiiij lb. pulueris pro gunnes, v moldes vocate formule pro pelottis fundendis, vj firpannes, vj ladles, xxiiij gunnes, m^l v^c xxx lb. plumbi, j barelli pondere ijc j quarton., salpetre.

In vendicione super compoto. xxiiij lb. pulueris pro gunnis, precii cuiuslibet lb. viij d.

The above items have been compared with those of an earlier account of Sleaford, *ibid.* 397/19, but there is no substantial difference between them, or addition to them, for the early months of Richard II's reign.

XII. Privy Wardrobe Account of John de Haytfield, deceased, 3 June 1378 to 20 July 1379, and also his costs of *armature*, &c., to 24 September 1381, on which day he delivered the custody of artillery, &c., to John de Hermesthorpe. (*Ibid.* 400/10. The account seems cancelled, but compare Foreign Accounts, 9 Ric. II, G.)

Recepta armature, etc. . . . iiij moldes vocate formule pro pelottis infundendis, xxij gunnes, vj firpannes, vj ladles . . . j morterium eneum cum j pestello ferri, m^l v^c xxx lb. plumbi in pelottis . . . receptis de Iohann Sleaford, nuper custode, etc.¹⁷

Liberaciones. Roberto de Assheton, custodi castri de Porcestre, pro municione eiusdem castri . . . iiij gunnes, c iiij lb. plumbi in pelottis in j barello . . . [by p.s. of 25 January 1379]. Et Philippo Walweyn, custodi castri de Corfe, pro municione eiusdem castri . . . iiij gunnes, v^c pelotas plumbi, pondere cc dimid., xxxv lb. [by p.s. of 25 April 1380]. Et Iohanni Hermesthorpe . . . iiij moldes vocatas formulas pro pelottis infundendis . . . xj gunnes, vj firpannes, vj ladeles . . . j morterium eneum cum pestello . . . ix^c iiij^{xx} viij lb. plumbi in pelottis.¹⁸ Et in asporta-

¹⁵ From 398/1.

¹⁶ Compare p.s. mandate of 4 May 1377 in *Ibid.* 396/15, ordering the delivery to the king by the hands of Swift, 'nostre mestre carpenter, deux petites canons esteantes en votre garde a ce quest dit, que feurent a notre seigneur et aiel susdit.'

¹⁷ Cf. 400/5, indenture of delivery.

¹⁸ These particulars are confirmed by indenture of delivery dated 24 September 1381 in 400/14.

cione diuersarum loricarum, bacynettorum, auentallorum, et aliarum armaturarum et artillarie regis inuentorum in predicta garderoba regis per communes rebelles insurgentes contra pacem regis anno quarto, videlicet ij gunnes, c x loricas, xxj bacynettos, . . . ix^o xix arcus, . . . per breue regis de priuato sigillo, datum xij^o die Iulii anno vj^o [1382], thesaurario et baronibus scaccarii directum, in quo quidem breue continetur quod predictus Iohannes missus existit, tempore quo fuit in eodem officio, per cancellarium et thesaurarium regis Anglie tunc existentes, ad diuersos comitatus regni Anglie pro providencia facienda de arcubus, sagittis et aliis rebus . . . et medio tempore, quando idem Iohannes sic occupatus fuit circa dictam providenciam, certi communes rebelles regni regis, qui tunc insurrexerunt, contra pacem regis, intrauerunt dictam turrin regis et fregerunt hostia dicte garderobe, et ibidem ceperunt certas loricas . . . et diuersas alias armaturas et artillarias regis in eadem garderoba regis, per quod breue rex mandauit . . . dictum Iohannem esse quietum erga regem, etc. Et in vendicione super compoto . . . ij canones vocati gunnes et c lxxij lb. plumbi . . . xj li. xiiij s. iiij d.

XIII. Particulars of John de Hermesthorpe's Privy Wardrobe Account, 24 September 1381 to 9 May 1382 (Exch. Accounts, K. R., 400/15; compare 400/14 and Foreign Accounts 10 Ric. II, F.).

Recepta. Idem rediit computum de xij li. vj s. viij d. receptis de scaccario ix^o die Iulii anno iiij^o, super empicione pulueris pro gunnis et super operacione hostiorum et serrurarum facienda pro certis domibus infra turrin predictam.¹⁹ Summa recepte. xij li. vj s. viij d.

Expense. Idem computauit in iiij^{xx} lb. desalpetre emptis per Willelmum Arblastre pro puluere gunnorum, precii lb. xx d., vj li. xij s. iiij d.

Armature et alie res recepte de Iohanne de Haytfeld. iiij moldes vocate formule pro pellottis infundendis; xj gunnes; vj fierpannes; vj ladeles; j morterium eneum cum pestello ferri; ix^o iiij^{xx} viij lb. plumbi in pellottis; iiij^{xx} lb. de salpetre.

Et liberauit prefato Ranulpho de Hatton per breue regis de magno sigillo, datum viij^o die Maii anno quinto . . . per indenturam . . . datum ix^o die Maii.

The writ and indenture are in K. R. 400/16. *Ibid.* 400/22 shows that Hatton received exactly what Hermesthorpe had received from Haytfeld.

XIV. Ranulph de Hatton's Privy Wardrobe account, 9 May 1382 to 19 January 1396.

(The completest accounts for Hatton's keepership are those tendered by his executors after his death, which cover his whole period. They are most fully preserved in L. T. R. Foreign Accounts, no. 30, 19 Ric. II, E, and E. d., and less completely in K. R. 400/23. There are also in K. R. 400/22 'particulars of Hatton's account' from 9 May 1382 to 9 May 1388, within which limits nearly all Hatton's work was done. These particulars

¹⁹ Cf. Devon, p. 217, which gives an exchequer grant 'to the clerk of the works for repairing and constructing the door broken by the common rebels within the tower of London', 20 September 1381. This did not go through the privy wardrobe.

include details of importance not given, except very partially, in the more general account. To avoid repetition I have printed (a) the more important peculiarities of the 1382-8 account, and (b) a general account of the whole period based on that of the executors, but compared with K. R. 400/22. The relations of the two accounts are, however, so intricate, that I have throughout compared the three versions, and noted important but not verbal differences. Some additional particulars have been added in notes from the bundle of privy wardrobe warrants and indentures in K. R. 400/27. The arithmetic of the scribes is not free from error.)

(a) *Peculiar features of Halton's account, 1382-8.*

Heading ends: *Necnon de receptionibus garbarum sagittarum, arcuum, balistarum, canonum, armaturarum, etc.*

Recepta. Pasch. anno viii^o [1385], xiii^o die Iulii, super empcione xl lb. salpêtre pro garnistura turris Londoniensis, c s.

Necessaria. In iij baggis de coreo albo pro puluere pro canonibus imponendo xij d. . . in iij truncis grossis, de ligno factis et ligatis de ferro, pro iij canonibus grossis, precii pecia xvij s. iij d. Et in ferramentis et ligaturis aliorum vij canonum paruorum, pro qualibet pecia vijs. vjd. . . ordinatorum et factorum ad mittendum vsque villam et castrum Berewici super Twedam et castrum de Rokesburgh . . . in xlvj truncis grossis de ligno . . . pro apparatu xlvj canonum grossorum emptorum per vices, precii pecia xx s. . . Et in vno trunco grosso, ligato cum ferro, ordinato pro canone grosso cum xj foraminibus, precii xxx s. Et in ij truncis grossis et ferramentis ordinatis pro ij canonibus grossis, precii xvi s. viii d. . . Et in iij baculis grossis et curtis ligatis cum ferro, pro iij canonibus paruis, precii pecia iij s. iij d. Et in vij barellis cum serruris et clauibus, precii pecia ijs.; et x barellis, precii pecia xvjd., emptis per vices pro puluere et salpêtre, xxix s. iij d. Et in xij baggis de coreo emptis pro puluere imponendo. . . Et in duabus caretis²⁰ conductis ad carriandos vj canones grossos, xx loricas, xx bacynettos, arcus, sagittas, et aliam artillariam de turri Londoniensi vsque Roucestre ad liberandum ibidem seruienti domini Simonis de Burley, constabularii castri Douorri, super garnistura eiusdem castri, xij s. iij d. Et in vadiis unius operarii²¹ ad vij d. per diem per vj dies operantis, super rotundacione lapidum pro canonibus . . . et duorum operariorum, utroque ad vj per diem, per duos dies, operancium super remocione lapidum pro canonibus . . . de magna aula regis infra turrim predictam usque paruam turrim iuxta hospicium Willelmi Byker contra aduentum domini regis ibidem, videlicet festo natiuitatis domini anno xj^o [1387], ij s.

Empciones artillarie. Willelmo Wodeward de London, foundour, pro iij canonibus grossis de cupro, ordinatis et factis pro lapidibus rotundis iactandis, ponderantibus vjc lb. per centenam de v^{xx} libris, precii lb. iij d. . . Et pro vij canonibus minoribus, ponderantibus iijjc iij^{xx} iij lb. per eandem centenam, precii lb. iij d. . . Et pro v canonibus ponderantibus mⁱ iijjc xxij lb. per centenam de v^{xx} xij lb., pro libra iij d. et ob., xxij li. iij s. ix d.; et pro xlvj canonibus grossis ponderantibus xv^m ix^c lxvij lb. per eandem

²⁰ 'Expensis unius carette', K. R. 400/23.

²¹ 'Cementarii', K. R. 400/23.

centenam de v^{xx} et xij lb., precii lb. iij d., iij^c iij^{xx} xvij li. xviii s. iij d., et pro vno canone grosso cum vno foramine pro lapidibus grossis et x aliis foraminibus pro pellottis vel quarellis grossis, ponderante vj^c lxx lb., xij li. v s. viij d. Et pro ix aliis canonibus paruis de cupro, ordinatis pro pellottis et quarellis, ponderantibus iij^c iij^{xx} iij lb., precii lb. iij d., vj li. xix s. viij d. ab eo empto Londoniis per tempus compoti. Stephano atte Marsshe²² pro vno canone de ferro ordinato pro pellottis, precii xl s.; et pro ij canonibus consimilibus, precii xxix s. iij d.; et pro vj canonibus consimilibus, precii pecia xx s., ab eo emptis Londoniis per tempus compoti, ix li. ix s. iij d. Willelmo Byker²³ pro vno canone paruo de ferro, precii xx s.; et pro vno canone consimili, precii xxvj s. viij d. per ipsum emptis per tempus compoti xlvj s. viij d. Iohanni Mollyng de Cornhull pro vno canone grosso de cupro ponderante iij^c x lb.; et pro vno canone consimili ponderante iij^c xlij lb.; et pro vno canone consimili ponderante c lxij lb. per centenam de v^{xx} xij li., precii lb. iij d. ob., ab eo emptis per tempus compoti, ix lib. xvj s. x d. ob. Prefato Willelmo Wodeward pro iij^m ix^c xvj lb. pulueris per eandem centenam pro dictis canonibus stuffandis, precii lb. xvij d.; et pro iij^c iij lb. salpetre per eandem centenam, precii lb. xvij d.; et pro xxij lb. salpetre, precii lb. xvj d.; et pro lx lb. salpetre, precii lb. xvd., et pro iij^{xx} xvj lb. sulphuris, precii lb. ij d., et pro vno barello cum puluere carbonum de salyn, precii xvij d., et pro ij^m lapidibus rotundis, precii pecia iij d., et pro vna formula de cupro vocata molde, ordinata et facta pro pellottis de plumbo infundendis, precii vj s. viij d., et pro c tamponibus de ligno, precii iij s., et pro ccc lb. plumbi pro pellottis inde faciendis, precii centene vijs. vd., ab eo, etc., iij^c iij li. xv s. vd. Willelmo Byker pro lx lb. pulueris pro predictis canonibus, precii lb. xvjd., et pro xij lb. salpetre, precii lb. xijd., et pro vj lb. salpetre, precii lb. ijs. vjd., emptis per Iohannem Pynson et predictum Willel- mum per tempus compoti, ix li. xix s. vjd. Iohanni Boueshall pro xl lb. salpetre, precii lb. iij s. iij d., vj li. xij s. iij d. Predicto Iohanni Mollyng pro xlvij tamponibus de ligno et pro xij lapidibus rotundis, precii ijs. ij d., et pro c lapidibus rotundis, precii pecia iij d., ab eo emptis per tempus compoti xxix s. ij d. Prefato Stephano atte Marsshe pro xxiiij patellis de ferro pro igne custodiendo pro canonibus inflammandis, precii pecia iij s. iij d. et pro xij martellis de ferro . . . et pro vij maundrellis de ferro ponderantibus xliij lb., precii lb. ij d., et pro iij^{xx} touchis de ferro, precii pecia jd. ob., ab eo emptis pro canonibus, etc., vj li. xjs.

Summa de empconibus artillarie. m^l vj^c iij^{xx} j li. xix s. vij d. ob.

Recepta de empcone.

These correspond exactly with the details for which the executors account in (b), so that all Hatton's purchases were before 1388.

(b) *Account of Hatton's executors, 1382-96.*

Et insuper ad exonerandum predictos executores de . . . barellis pro cariagio armature, artillarie, et pulueris pro canonis . . . et de duobus canonis vocatis gunnes, cum duabus truncis; c lb. pulueris pro gunnes . . . que liberate extiterunt Roberto Bardolfe, chevalier, constabulario castri de

²² Elsewhere described as 'faber domini regis in turre Londoniensi'.

²³ Elsewhere described as 'artillator domini regis in turre Londoniensi'.

Porchestre . . . volens etiam rex . . . de gracia sua speciali . . . et mandauit [rex] prefato thesaurario et baronibus quod exonerari facerent predictos executores de c iij^{ss} xvij petris rotundis pro canonis que liberate fuerunt extra priuatam garderobam . . . vnde iidem executores nesciunt inuenire aliquam rememeracionem. . . .

Recepta, etc. Idem computat in . . . lxxvj gunnis de cupro, xj gunnis de ferro, iij^{ml} ix^c lxxvj lb. pulueris gunnorum, v^c iij^{ss} iij lb. salpetre, iij^{ss} xvj lb. sulphuris viui, j barello pulueris carbonum salisinorum, ij^{ml} j^c xij petris rotundis, j formula de cupro vocata molde, vij^c iij^{ss} iij tamponibus de ligno, xxxvj follibus, xxiiij patellis ferri, xxv martellis ferri, vij maundrellis ferri, iij^{ss} touches ferri . . . iij^c lb. plumbi, . . . liij truncis grossis et minoribus, iij baculis curtis et grossis, pro gunnis imponendis, xij doleis et xvij barellis vacuis pro . . . armatura et artillaria, . . . et xj bagis de corio pro puluere gunnorum et salpetra saluo custodiendis.

Particulars of Hermesthorpe's livery to Hatton follow. For details see XII and XIII above.

Liberaciones. Idem computat liberasse. . . .

Et Thome de Percy, militi, constabulario castri regis de Rokesburgh, super garnistura eiusdem castri . . . iij canones vocatos gunnes,²⁴ lx lb. salpetre [by writ of 15 February 1384]. . . . Et Simoni Martyn, magistri bargee vocate le George de Douorr, ad ducendum et carriandum usque castrum et villam Berewyci super Twedam, super garnistura eorundem . . . viij canones vocatos gunnes, lx lb. pulueris gunnorum, et xl lb. salpetre [by writ of 15 February 1384]. Et Simoni de Burleye, militi, constabulario castri regis Douorr, etc. . . . Et eidem Simoni super salua custodia dicti castri et fortalicionum dictorum quinque Portuum, viij canones vocatos gunnes grossos, cc lb. pulueris gunnorum, cc lb. salpetre [by writs of 15 and 24 September 1386]. Et eidem . . . super garnistura turris de la Rye . . . lx lb. pulueris gunnorum et j canonum vocatum gunnum [by writ of 7 November 1388]. Et Iohanni Derby, clerico, camerario ville Berewyci super Twedam, . . . super garnistura eiusdem ville, . . . ij canones vocatos gunnes, vnde j cum duobus capitibus,²⁵ lx lapides rotundos pro gunnis [by writs of 4 and 9 January 1386]. . . . Et prefato Iohanni . . . per manus vicecomitis Northumberland, j canonem grossum vocatum gunnum cum duobus capitibus in vno trunco, iij canones paruos vocatos handgunnes,²⁶ j molde de cupro pro pellottis infundendis, xxxj quarellos grossos pro paruis canonibus [by writ of 7 November 1388]. . . . Et Ricardo Trendeley, custodi porte turris Suthantonie, pro garnistura eiusdem turris, iij canones vocatos gunnes²⁷ cum iij truncis, cc lb. pulueris pro eisdem [by writ of 13 July 1386]. . . . Et Roberto Bardolf militi, custodi castri de Porcestre, . . . super garnistura dicti castri, ij canones vocatos gunnes,²⁸ c lb. pulueris pro eisdem . . . [by writ of 27 June 1386]. . . . Et

²⁴ In K. R. 400/27, 'deux gunnes grandes et deux gunnes meyndres de cupro.'

²⁵ In K. R. 400/22, 'unde j cum capite.'

²⁶ In K. R. 400/22, 'vocatos handgunnes' is omitted, and in *Ibid.* 400/27 is read 'tres paruos canones de cupro vocatos handgonnes'.

²⁷ In K. R. 400/27, 'trois canons pur peres dont un grand et deux moindres.'

²⁸ In K. R. 400/27, 'un grand canon de cupre oue deux testes poissant deux cent quarante et deux livres, un autre canone de cupre oue deux testes poissant cent et dely et sept livres.' Compare Devon, p. 230, an expense not recorded by the Tower wardrobe.

Iohanni Roche, militi, capitaneo castri de Brest . . . iiij canones vocatos gunnes in iiij truncis,²⁹ m^l iiij^c lvij lb. pulueris pro eisdem, ij^c lvj lb. salpêtre, lvj lb. sulphuris viui, j barellum plenum de puluere carbonum salicinarum, ij^c lb. plumbi pro pellottis inde faciendis pro paruis gunnes, v^c lapides rotundos pro gunnes. . . . Et Henrico Kirksted, scutifero, constabulario castri regis de Trematon in comitatu Cornubie, super garnistura eiusdem castri, xij lb. pulueris gunnorum. . . .

K. R. 400/22 ends here; what follows is in Foreign Accounts, 19 Ric. II. E.

Et domino regi pro quodam viagio suo versus terram Hibernie . . . pro diuersis donis diuersis militibus, etc., in conuitia ipsius regis . . . dicto anno xvij^o, xij canones vocatos gunnes, grossos et paruos, cum truncis,³⁰ iiij maundrellos grossos, iiij maundrellos paruos de ferro, ij^c vj petras rotundas pro canonibus, c xl lb. plumbi in pellotis,³¹ ix^c lxvj lb. pulueris pro canonibus, ij^c vj tampones de ligno, iiij patellas ferri, iiij sufflatoria . . . xx touches de ferro, vj bagas de coreo, etc. . . . Et in exoneracione tam dicti nuper custodis quam predictorum executorum suorum de diuersis armaturis, artillariis . . . quarum quedam pro longa obseruacione et vetustate putride deuenerunt, quedam in aliquo seruire non potuerunt, et quedam in emendacione et reparacione . . . frangebantur et ad nichilum deuenerunt, ac quedam liberate fuerunt per dictum nuper custodem extra garderobam predictam in seruicio regis, vnde predicti executores eiusdem nuper custodis nullam habent memorandam, videlicet . . . xj belowes, . . . et c iiij^{xx} xvij petras rotundas pro canonibus.

There follows a list of the articles delivered to Lufwyk by virtue of writ of 4 February 1396. For these see XV.

XV. Privy Wardrobe Account of John Lufwyk, 20 January 1396 to 20 January 1399 (Foreign Accounts, no. 32, 21 Ric. II, fol. H, dorso.)

Empciones et expense. Idem computat . . . in . . . xij bagis de coreo albo pro puluere gunnorum emptis tam pro diuersis viagiis regis quam pro garnistura dicti turris . . . et super reparacione gunnorum.

Recepta armaturarum, artillarie, et aliarum rerum diuersarum. Idem computat de . . . xij bagis de coreo albo pro puluere gonorum . . . iiij moldes, vocate formule pro pellotis infundendis, . . . l gonnes de cupro et ferro, xxiiij patelle de ferro vocate firpannes, iiij ladles de ferro . . . cvij lb. salpêtre, m^l xxij lb. pulueris pro canonibus, viij^c xlviij lb. plumbi in pellotis; m^l ij^c lvj lapides rotundi: ij^c l tampones de ligno . . . xliij touches de ferro, xxviij trunci pro canonis . . . recepta de executoribus R. de Hatton.

Liberaciones armorum, artillarie, et diuersarum rerum. Idem computat

²⁹ In K. R. 400/27, indenture of delivery 4 August 1386, these guns, sent to Brest via Plymouth, were ' quatre canons grandz pur piers dont un oue ij testes '.

³⁰ In a writ of 23 September 1395 (K. R. 403/11) ordering Hatton to be allowed the ' parcels of artillery . . . sent to Ireland '; these guns are ' sys canons grantz, sys canons petitiz pur pelotiz '.

³¹ In *Ibid.* the stones are ' pur les grandes canons ' and the lead is ' en pelotiz pur les petitiz canons '.

liberasse Iohanni Stanley, militi, constabulario castri de Rokesburgh, super garnistura eiusdem castri . . . iij canones, quorum j dupliciter et ij pro pelotis, . . . xx lapides pro canonibus, xiiij tampones et firpanne, vij touches, xj pelotes de plumbo, xx lb. de puluere pro canonibus . . . [by writ of 7 March 1397].³²

Et domino Iohanni Ekelyngton, capellano, pro custodia castri regis de Holt . . . iij canones troncate duppliciter; ³³ iij^{xx} lapides, iij^{xx} tampones, iij^{xx} lb. de puluere pro canonibus, j firpanne, ij martelli, etc. [by writ of 26 January 1398].

Remanent. (Same details as in XVI.)

XVI. Lufwyk's Privy Wardrobe Account, 20 January 1399 to 5 November 1399 (L. T. R. Foreign Accounts, no. 34, 1 Hen. IV, fol. H, and 'particulars of account' in K. R. 403/20).

The preamble recites that Lufwyk had been ordered by Richard ad carriandum et mittendum in Hiberniam pro ultimis guerris suis res et parcelas sequentes, videlicet vj m^l garbas sagittarum, ij^m arcus, . . . viij gones duplices cum omnibus apparatis suis, videlicet ij^c petris rotundis, ij^c lb. de puluere gonnorum, ij^c tampones, viij firpannes, xvj touches, viij folibus et viij martellis, ac etiam coffris, pipis, et barellis sufficienter pro trussacione hernesie predictorum; de quibus certe parcelle liberate fuerunt et expendite in dictam terram Hibernie per preceptum predicti nuper regis, et residuum dimissum in castro Dublinensi per preceptum Petri Bukton, chevalier, in custodiam Roberti Crull.

Expense. . . . Idem computat in ij^m v^c lxviiij garbis sagittarum sine capitibus, m^l ij^c lij arcubus, ij^c tamponis de ligno . . . c xxvj lb. pulueris gonnorum, emptis tam pro stuffura garderober predictae quam pro predicto viagio versus Hiberniam dicto anno xxij^o [1399]. . . Et in oleo, furfure, bosco, carbone, maeremio, tabulis, clauibus, et aliis necessariis, emptis et expensis, tam super reparacione, emendacione, et mundacione diuersorum armorum, artillarie, et aliarum rerum in custodia sua existentium, quam circa portagium, etc., videlicet de eadem garderobera vsque Redeclyff ad naues ibidem . . . vsque Waterford et deinde vsque Dublin tam per terram quam per aquam cariendo. . .

Receipta, etc. Idem computat de ij^m v^c lxviiij garbis sagittarum, capitatis cum capitibus de stauero, . . . ij^c tamponis de ligno, c xxvj lb. pulueris gonnorum receptis de empicione ipsius nuper custodis . . . iij moldis pro pellotis infundendis, xliij canonis de cupro et ferro, xxj firpannes ferri, ij ladels de ferro . . . j morterium eneum cum pestello de ferro . . . c viij lb. salpetre, ix^c xxij lb. pulueris pro canonis, viij^c xlviiij lb. plumbi in pellottis; ij^m ij^c lvj lapidibus rotundis, ij^c lviiij tamponis de ligno, xxj folibus, xx martellis de ferro, xxxiij touches ferri, xxij truncis pro canonis . . . vij bagis de coreo pro puluere gonnorum . . . receptis de remanentia compoti sui. Et de . . . iij gonnis de cupro et ferro, vij touchis pro eisdem, j firpanne, etc., inuentis in garderobera tempore primi aduentus sui ad officium predictum.

³² K. R. 403/13, where the order is for 'trois canouns darresme'. The indenture of receipt, dated 13 March, in *Ibid.* mentions 'trois canouns darresme, lun troncat double, et deux pur pelletes,' also 'vynt peres pur le canoun troncat'.

³³ 'iij gunnes stokkez' in indenture of receipt, 5 September 1398, K. R. 403/13.

*Liberaciones et expense.*³⁴ Et Roberto Crulle, clerico . . . viij gonnes cum viij truncis, ij^e lb. de puluere pro gonnis, ij^e tampones, ij^e lapides rotundi pro gonnis, viij folles, viij martelli, xvj touches, viij firpannes, etc.³⁵

Et Iohanni Norbury, custodi priuati garderobe regis infra turrin predictam per manus Henrici Somer, deputati ipsius custodis :—xxxix canones de cupro et ferro, xxiiij trunci pro canonis viij^e lapides rotundi, viij^e xlvij lb. plumbi in pellottis, viij^e xlvij lb. pulueris pro canonis, c viij lb. salpetre, xiiij firpannes ferri, iij ladles de ferro, iij martelli de ferro, xxiiij touches de ferro, vij picois, unum mortarium eneum cum vno pestello de ferro . . . iij folles, c tampones, iij moldes pro pellottis infundendis. Et in . . . ij^e lvij tamponis venditis super compotum. . . .

The following is from K. R. 403/20.

Expense necessarie. Idem computat in vadiis x operariorum, quolibet ad vj d. per diem per xvj dies, et ij operariorum, vtroque ad eadem vadia per x dies, operancium super truncacione et emendacione viij truncarum pro canonis pro viaggio regis versus Hiberniam, iij li. v s. Et in diuersis ferreamentis et ligaturis emptis et expenditis super dictis canonis, xx s. Et in meremio empto et expendito pro viij truncis inde reparandis et faciendis pro canonis, xvj s. Et in vadiis iij operariorum, quolibet ad xij d., per diem per viij dies, operancium super rotundacione ij^e lapidum pro canonis de stauro regis, xxxij s.

Addendum. Since this article was printed I have seen the first part of an elaborate paper on 'The Ordnance of the Fourteenth and Fifteenth Centuries', by Mr. R. Coltman Clephan, F.S.A., in the *Archaeological Journal*, Second Series, xviii. 49-84 (March 1911). It contains much valuable matter, notably in relation to the part played by firearms at Crecy. It does not, however, add much fresh material to our knowledge, and is not always quite critical in dealing with the printed sources. For instance, the error derived from Nicolas (see above, pp. 668-9), as to the imagined provision of cannon for the royal navy in 1338, is once more repeated on p. 58.

³⁴ The losses in Ireland, 1398-9, include neither guns nor gunpowder.

³⁵ Delivered at Dublin by writ of 18 November.

The Panic of 1789 in Touraine

M. AULARD has said that that strange phenomenon *la grande peur* was perhaps the most important event of the French Revolution. Since this is the opinion of so distinguished an authority it seems strange that only in the provinces of Dauphiné, Berry, Périgord, and Auvergne has there been any serious investigation of the subject, in spite of the fact that its almost supernatural strangeness has always excited much curiosity and speculation. Towards the end of July 1789, shortly after the fall of the Bastille, the rumour swept over France that mysterious enemies *mettaient tout à feu et à sang*. The most usual form of the rumour was that these enemies were brigands, *gens sans aveu*, who were burning the crops and pillaging the towns; but in Anjou and Poitou they were said to be armies of English; in Angoumois, Bas-Limousin, and Guienne of aristocrats led by the Comte d'Artois; and in Dauphiné and Vivarais of Piedmontese. Wherever this fantastic rumour went it produced a panic. In the towns, guns and ammunition were hastily collected and barricades formed; while the peasants from the surrounding villages, armed with *piques, fourches et faux*, came by hundreds into the towns, partly with a view to their own safety and partly to help their neighbours against the brigands. Couriers were sent out to other towns asking for help, with the result that the panic was spread in all directions. In each place, however, within a few days of the outbreak of the panic, the brigands were found to exist only in the heated imaginations of those who had brought the news. The panic subsided, but an uneasy and suspicious feeling was left behind. The importance of this hysterical outbreak is not at first apparent, but it lies in the resistance that was organized against the brigands. Taine has given some account of the Great Fear in a chapter called *L'Anarchie Spontanée*,¹ but perhaps the period from the fall of the Bastille in which this incident occurs might more fairly be called *l'organisation spontanée*. In the story of the fall of the Bastille three distinct movements can be traced, the break-up of the old municipality, the anarchy of the mob, and the attempt at reorganization on the part of the electors. The result was the formation of the *comité*

¹ *Les Origines de la France Contemporaine; la Révolution, l'Anarchie*, i. 92.

permanent and the *milice parisienne*. Though they were revolutionary in their origin, they were at once recognized by the authorities and the appointment of Bailly and Lafayette confirmed. As soon as the news reached the provinces, similar municipal revolutions took place in many of the larger towns, where the same movements were at work. In some places the revolution was conservative, the old municipality was enlarged, and the *comité permanent* supplemented its work; the old *milice bourgeoise* was reorganized. In other places, however, it was radical, the municipal council was superseded by the *comité permanent*, and the *milice bourgeoise* by the guard of *jeunes gens*. In nearly every case, however, both bodies were in opposition to the powers of the intendant.

What the fall of the Bastille did for Paris and the larger towns, the Great Fear did for the rest of France. It made people in the remotest parts of the country realize that they must act for themselves. The result was that wherever the Fear had passed, *comités permanents* and *gardes nationales* were organized, and the decrees of 10 August did no more than legalize the existence of the latter. The significance of the revolution is shown in the clause that states

les officiers jureront à la tête de leurs troupes, en présence des officiers municipaux, de rester fidèles à la Nation, au Roi et à la loi, et de ne jamais employer ceux qui sont sous leurs ordres contre les citoyens si ce n'est sur la réquisition des officiers civils ou municipaux.²

The intendant is not so much as mentioned. The fall of the Bastille followed by the Great Fear had broken up the *Ancien Régime*.

The first news of this mysterious panic reached Paris shortly after two rumours hardly less strange. The one was that a plot existed to hand over Brest to the English, the other that M. de Mesmay, member of the parliament of Besançon, had intentionally caused an explosion during a fête at his château near Vesoul. It is hardly surprising that the assembly was alarmed. On 28 July they formed

un comité de sûreté destiné à recevoir et entendre les informations, avis et renseignements relatifs au complot de Brest et autres projets capables de compromettre la sûreté publique et celle des individus.³

This committee, composed of twelve members, was commonly known as the *comité des recherches* or *comité des douze*. So persuaded were the assembly of the existence of a plot that in the

² *Procès-verbal de l'Assemblée des Communes et de l'Assemblée Nationale* (Paris, 1789-91), no. xlv.

³ Archives Nationales, D. xxix bis 1, Comité des recherches.

decree of 10 August, before their committee had had time to investigate the facts, they proclaimed that

les ennemis de la nation, ayant perdu l'espoir d'empêcher par la violence du despotisme la régénération publique et l'établissement de la liberté . . . ont, à la même époque, et presque le même jour, fait semer les fausses alarmes dans les différentes provinces du royaume, et qu'en annonçant des incursions et des brigandages qui n'existaient pas, ils ont donné lieu à des excès et des crimes qui attaquent également les biens et les personnes.⁴

In some parts of the country, notably in Dauphiné, the arms which had been seized as a protection against the brigands had been turned against the châteaux and the officers of the excise. Wherever this had occurred in such a way as to suggest that the peasants had been instigated by some outside agency, the *comité des recherches* caused inquiries to be made in the locality, but in every case the local authorities reported that the insurgents were men living in the immediate neighbourhood, and that no evidence could be found that agents had been sent from Paris or anywhere else to incite them.⁵ Acting on this information, the committee reported to the assembly on 22 August that as yet their efforts to discover a plot had been fruitless, but, nevertheless, the belief in the existence of such a plot prevailed and was to become particularly popular with people who wrote their memoirs thirty and forty years after the event.

Some arguments may be produced in favour of the theory of a plot, but the evidence against it seems at present overwhelming. It may be said that it is impossible to account for the rapid spread of the rumour otherwise, but it will be found that the spread was not so rapid as has been thought. Instead of having broken out *presque le même jour* it began in some parts certainly as early as 22 July and did not reach others till 3 August or later. Then again, it was reported that the men who attacked the châteaux in Franche-Comté had orders purporting to come from the king, but these forgeries, if indeed they ever existed, may have been of local manufacture; and though the Jacquerie in Franche-Comté in all probability gave rise to the Fear in Dauphiné and the subsequent Jacquerie there, the two movements must not be confounded.

On the other hand, if such a widespread movement as the Great Fear was engineered by some faction, it argues the existence of some organization as thorough and far-reaching as the Jacobin club at the height of its power; and if such an organization existed

⁴ *Procès-verbal de l'Assemblée des Communes et de l'Assemblée Nationale* (Paris, 1789-91), no. xlvi.

⁵ Archives Nationales, D. xxix bis 1, *passim*.

it is difficult to understand how it escaped detection or why more use was not made of it. It may be argued that many thought that the plot originated in the assembly itself, but then, if the whole assembly knew of it, why did they institute the *comité des recherches*? and if it were the work of a party, how could it control all the monthly elections to the committee and thus escape exposure? The more the plot theory is examined, the more insuperable appear the difficulties, so much so, that those writers⁶ who have investigated the local history of the Fear have abandoned it unconditionally. The only way of arriving at the truth of the matter is to examine throughout the whole of France, as these writers have done in Dauphiné, Périgord, Berry, and Auvergne, the evidence existing in the local archives, the most valuable of which are the deliberations of the municipalities. If it is found, as they have found, that the panic was transmitted by means of the ordinary post, by special couriers sent from one mayor to another or by the voice of rumour, and that wherever the Fear resulted in attacks on property the rioters acted on their own initiative, the plot theory of necessity falls to the ground. The only difficulty that then remains is to account for the extraordinary credulity of the French people at that time, a difficulty that is equally great whichever theory is proved. But before inquiring how the news of the brigands came to Touraine, what special conditions prevailed at the moment to account for the panic it produced, and what effects the movement left behind, it is necessary to glance back at the history of the few months preceding the fall of the Bastille.

Owing to the bad harvests of 1788 followed by an exceptionally severe winter, Touraine, in common with many other parts of France, was very short of grain of all kinds, and there was consequently considerable distress among the poorer population. There was also a widespread conviction, which does not seem to have been justified by the facts, that corn and flour would have been plentiful and cheap but for the monopolists. Throughout the province riots against the so-called *accapareurs* were frequent during the months of March and April; May and June passed in comparative peace, possibly owing to the opening of the States-General, which was supposed to be going to bring in the millennium, but more probably because the *société patriotique* of Tours saw that that city had a constant supply of corn. Unfortunately, heavy rains fell at the end of June, and the prospects of the coming harvest looked gloomy. Corn was

⁶ Francisque Mege, *La Grande Peur*, in the *Bulletin historique et scientifique de l'Auvergne*, 1900; Marcel Bruneau, *Les Débuts de la Révolution dans les Départements du Cher et de l'Indre*, 1789-91 (Paris, 1902); Georges Bussiére, *Études historiques sur la Révolution en Périgord*, 3^{me} partie (Paris, 1903); Pierre Conard, *La Peur en Dauphiné* (juillet-août 1789) (Paris, 1904).

again becoming scarce, and in consequence riots broke out once more. At Tours on 17 July the corn market was empty and the bakers had only sufficient flour to last two days.⁷ At Chinon on 21 July, there was only sufficient corn for the next ten days,⁸ and at Loches things were much the same. On the 20th, at a special assembly held at the Hôtel de Ville of Tours, it was decided to send a detachment of the *maréchaussée* to search the mills of the Indre and to requisition what flour could be found. At the same meeting it was decided to sing a solemn Te Deum next day to celebrate the fall of the Bastille.⁹

The news from Paris not only told of the fall of the Bastille, but also of the formation of the *milice parisienne* and the *comité permanent*. These were matters that appealed to the people of Tours. The royal edict of 1771 had made the offices of mayor and assessors in the larger towns purchaseable, thus depriving them of their privilege of election.¹⁰ In their *Cahier des Doléances* the Tiers-État of Tours express the opinion that

chaque municipalité de ville ou de campagne . . . doit être nécessairement formée de membres élus librement dans le sein de cette municipalité.

They also add that

la police de tout genre est une dépendance naturelle de ces administrations locales et, l'on peut dire, ne peut être bien exercée que par elle.¹¹

It is, therefore, hardly surprising that the municipal revolution at Tours was of the radical type. On 21 July, the day appointed for the solemn Te Deum, the *jeunes gens* offered themselves as a volunteer guard and the old *corps de ville* held its last meeting. The following day the new *comité provisoire* began its work, though it was not formally constituted till 25 July. It was composed of eighty-four members divided into four committees of twenty-one each, to secure continuous sittings.¹² Although the *cahier des doléances* signed by the mayor, de la Grandière, mentioned that the municipal officers, although not freely elected, were worthy of confidence,¹³ and though the mayor was elected to the new committee, it is significant that his signature never appears as president. The intendant was also elected. It was remarked on 30 July that he never attended the

⁷ Henri Faye, *L'Anarchie spontanée en Touraine*, in *Revue de la Révolution*, v. 447, &c.

⁸ Chinon, Archives Municipales, BB. 27, Registre des délibérations.

⁹ Faye, *ubi supra*.

¹⁰ F. Dumas, *La Généralité de Tours au XVIII^e Siècle*, in *Mémoires de la Société archéologique de Touraine*, 1894, xxxix. 372-8.

¹¹ Tours, Archives Municipales, AA. 8, Doléance du Tiers État de Tours, 1789; given in full by Faye, in *Bulletins de la Société archéologique de Touraine* (1892-4), ix. 230.

¹² Tours, Arch. Mun., BB. 10, contains a list of the members of the committee.

¹³ Faye, *Cahier des doléances du Tiers État de Tours*, 1789.

meetings, and when a letter was sent him asking for his presence and assistance he replied that it was not convenient for him to attend.¹⁴ Probably they both feared that they might share the fate of their Parisian colleagues de Flesselles and Berthier.

The day of 21 July passed in wild disorder. Girard, the only considerable wholesale corn-merchant, was murdered by the mob, and it was with difficulty that the bakers' shops and the granaries of the barracks and hospitals were saved from pillage.¹⁵ The committee had hardly had time to quell these disturbances before they were faced with what seemed a greater danger.

Le 24 juillet au soir.

Un étranger s'est fait annoncer, lui entré, il a donné avis qu'une troupe de brigands, au nombre d'environ 500, ravageaient et désolaient les campagnes du côté de Neuvy-le-Roi¹⁶ et autres; il a demandé du secours pour ces cantons, sans être porteur d'ordres particuliers.¹⁷

Neuwy-le-Roi lies a little to the east of the main road from Le Mans to Tours, about two-thirds of the distance from the former city. On 22 July

il est malheureusement arrivé qu'il y a eu une fausse alarme dans ce canton (Ballon¹⁸), ainsi qu'au Mans, Nogent-le-Rotrou, La Ferté-Bernard, Bonnétable,¹⁹ et tous les environs de deux lieues à la ronde; l'on sonnait le tocsin partout.²⁰

This panic resulted in the murder of M. Cureau and the Comte de Montesson, his son-in-law. The murderers were the inhabitants of the villages near Ballon, where Cureau was staying, and they attacked him because he had the misfortune to be the richest bourgeois in Le Mans and was thought to be a monopolist of corn. Since Neuwy-le-Roi was not a municipality in 1789, it possesses no records other than its parish registers. It may, however, be safely assumed that the news of the brigands reached it from Le Mans, and the story of the murders would at first seem to the inhabitants of Neuwy-le-Roi to confirm the truth of the rumour.

The following extract shows that the effect of the news on

¹⁴ Tours, Arch. Mun., Registre des délibérations du comité, 30 juillet 1789.

¹⁵ Faye, *L'Anarchie spontanée en Touraine*.

¹⁶ Neuwy-le-Roi (Indre-et-Loire), chef-lieu de canton, arrondissement of Tours.

¹⁷ Tours, Arch. Mun., Registre servant à inscrire les délibérations du comité de la ville de Tours, commencé le 22 juillet 1789. Though this register is in the municipal archives, it did not appear in the catalogue in April 1910.

¹⁸ Ballon (Sarthe), chef-lieu de canton, arrondissement of Le Mans.

¹⁹ Bonnétable (Sarthe), chef-lieu de canton, arrondissement of Mamers.

²⁰ *Mémoires de René-Pierre Nepveu de la Manouillère, chanoine de l'église du Mans 1759-1807*, publiés par l'abbé Gustave Esnault (Le Mans, 1877), ii. 197. See also P. J. B. Buechez and P. C. Roux, *Histoire parlementaire de la Révolution française* (Paris, 1834-8), iv. 170.

Tours was instantaneous. Since the brigands were supposed to be coming from the north, Saint-Symphorien, the suburb of Tours on the right bank of the Loire, would be the first to be exposed to attack.

Du 25 juillet au matin.

La compagnie a observé que sur l'avis qu'elle a eu hier au soir de l'arrivée dans les campagnes voisines de 500 brigands annoncée, les habitants de la paroisse de St Symphorien se sont mis sous les armes, que l'alerte a été générale dans la ville, que le régiment d'Anjou, le détachement du Royal Roussillon ont été mis sous les armes, ce qui a causé beaucoup d'inquiétudes, qu'un piquet de 100 hommes du régiment a été envoyé au faubourg de St Symphorien, et qu'après avoir attendu depuis neuf heures jusqu'à une heure après minuit rien n'est arrivé, il a été délibéré que les rues de la ville seront illuminées par les réverbères, ce qu'il sera fait, au nom de l'assemblée, réquisition exprès à MM. de St Gatien et de St Martin, pour qu'ils veulent bien illuminer leurs cloîtres.

BARBET,²¹ Président.

Du 25 juillet au soir.

Il a été reçu à l'instant une lettre du syndic de la ville de Langeais relativement aux brigands dont est parlé dans les délibérations ci-devant prises. Il demande du secours, lui a été répondu qu'on ne pouvait en accorder.²²

Messieurs,

Langeais, 25 juillet 1789.

Il s'est répandu ici qu'il y avait aux environs de Tours une troupe de brigands, ce qui jette l'alarme dans notre canton. Faites-moi l'honneur de nous mander si ces bruits sont fondés et de m'indiquer les moyens de l'ingarantir, en cas d'évènement, ne pouvant mettre sous les armes que quatre-vingts ou cent habitants au plus; les paysans étant occupés aux travaux pressants de la récolte.

J'ai l'honneur [&c.],

CAILLARD,

Syndic de la paroisse de Langeais faisant l'autographe.

LAURENT.

Répondu le 25 juillet 1789.²³

Du 26 juillet 1789 au matin.

Communication prise par l'assemblée des lettres écrites à M. l'intendant et à M. d'Escrimour, par MM. les officiers municipaux de Loches, M. le lieutenant du roi du château et par M. le commissaire de guerre de ladite ville, par lesquelles lettres ils demandent de la troupe au nombre de cent hommes pour mettre le calme dans leur ville qui se trouve dans une position fâcheuse. La compagnie a député deux membres vers M. d'Escrimour, prévôt général, à l'effet de le prier de la part de l'assemblée de ne point accorder le secours demandé par la ville de Loches. M. d'Escrimour, entré

²¹ Lieutenant du maire.

²² Tours, Arch. Mun., Registre du comité.

²³ Tours, Arch. Mun., BB. 10.

dans l'assemblée, a bien voulu sur les prières et réquisitions qui lui ont été faites par écrit ne point donner l'ordre pour le départ du détachement demandé par la ville de Loches, de quoi il a été remercié.

BARBET, Président.

Du 27 juillet au matin.

MM. Simon²⁴ et Gardien nommés commissaires pour voir MM. les commandants militaires et les prier au nom de l'assemblée de se regarder comme membres d'icelle et d'y avoir voix délibératives.

BARBET, Président.

Du 27 juillet au soir.

Le sieur Couette Gardien s'est fait annoncer, lui entré, a donné avis que la brigade des brigands qui a occasionné une alarme générale le 24 de ce mois était actuellement dans la paroisse de Crotelles²⁵ près Châteaurenault, qu'elle se rendit du côté de Monnaie²⁶ et qu'il était à craindre qu'elle ne se rendit dans la soirée à St Symphorien. M. d'Escrimour, prévôt général, s'étant trouvé à l'assemblée, après avoir interrogé ledit Sr Couette qui a assuré venir dudit Crotelles et avoir vu partie desdits brigands a donné ordre à deux cavaliers de maréchaussée de monter à cheval et d'aller à la découverte, de s'assurer festinamment de la vérité et de ne point revenir sans être bien certain de l'apparition ou non-apparition desdits brigands dans les endroits ci-dessus indiqués.²⁷

Unfortunately no mention is made of the report that these scouts brought back, but the deliberations of the *corps de ville* of Vendôme throw some light on how the rumour reached Crotelles.

Du 24 juillet 1789. Alerte des bas Bretons.

Du 24 juillet 1789 deux heures après minuit, MM. d'Oniezat et Debuze, capitaines des gardes militaires et bourgeoises, ont éveillé les membres du corps municipal et M. le procureur du roi du baillage et tous transportés à l'hôtel de ville, a été fait lecture d'un bulletin envoyé par M. le curé de Mazangé²⁸ à ses confrères des environs dont suit la teneur.

' Mon cher confrère, nous sommes menacés d'une incursion de six cents jeunes libertins bretons, disent tous qui sont dans le pays ; Savigny²⁹ est menacé pour la fin du jour, Saint-Calais est en désordre, tocsin a fait sonner, et moi pour acquiescer aux volontés de mon peuple, qui demande encore que je vous prévienne, je le fais en m'unissant à vos prières pour la paix et la tranquillité du royaume et de nos paroisses en particulier ; faites passer cet avis si vous trouvez sage aux paroisses qui vous environnent.

' Jeudi 23 juillet 1789 à neuf heures du soir.

' (signé) LECOMTE, curé de Mazangé.'

²⁴ Procureur du roi.

²⁵ Crotelles (Indre-et-Loire), canton of Châteaurenault, arrondissement of Tours.

²⁶ Monnaie (Indre-et-Loire), canton of Vouvray, arrondissement of Tours.

²⁷ Tours, Arch. Mun., Registre du comité.

²⁸ Mazangé (Loire-et-Cher), canton and arrondissement of Vendôme.

²⁹ Savigny-sur-Braye (Loire-et-Cher), chef-lieu of canton, arrondissement of Vendôme.

Lequel bulletin a été remis au Sr Debuze, capitaine de bourgeoisie, par un habitant de Mazangé, qui ayant été ouï par le conseil et rapporté que tous les habitants des paroisses circonvoisines s'armaient, nous a ledit Sr Debuze rapporté que le sieur Chevante, l'un de ses soldats bourgeois, lui avait annoncé que le tocsin sonnait à la paroisse de la Madeleine de cette ville, que s'étant transporté dans la rue de la Madeleine, il n'avait rien entendu, mais qu'étant porté sur le pont St. Michel, il avait entendu sonner le tocsin à Naveil^{30,31}.

It is plain that this rumour also emanated from Le Mans, but owing to its longer course had taken two days more to reach Tours than the one that came through Neuvy-le-Roi. Although no mention is made of the letter in the minutes of the committee of Tours, the suburb of Saint-Symphorien also sent news of this fresh invasion.

St. Symphorien, le 27 juillet 1789.

Messieurs le maire et échevins de cette ville,

Je vous donne avis que M. Nodance qui est à Vouvray³² pour la recherche des blés, a envoyé un de ses membres me donner avis qu'il y avait une infinité de brigands du côté de Monnaie; des particuliers sont arrivés du même côté à course de cheval, qui ont confirmé cette nouvelle et ont semé l'alarme dans notre faubourg au point que je crois qu'il est indispensable de faire passer un piquet d'infanterie.

Messieurs, votre très humble et très obéissant serviteur.

TARANIN.³³

A passage in the deliberations for the next day suggests that preparations were made to resist this invasion by force.

Du 28 juillet au matin.

A été fait observation par M. le lieutenant général sur le danger que court la ville, par le défaut d'armes dont elle manque et des munitions de poudres. Il a proposé de faire déposer en cet hôtel celles qui sont dans le magasin.

SIMON le jeune.³⁴

The brigands are not mentioned again till the 30th, and then the entry is written very small at the bottom of a page, showing that it was added as an afterthought.

Du 30 juillet au soir.

Avis donné de Ste Maure,³⁵ Lahaye,³⁶ Preuilly,³⁷ que les brigands parcouraient leurs cantons, a été demandé secours.

GARDIEN.

³⁰ Naveil (Loire-et-Cher), canton and arrondissement of Vendôme, 3 kilometres from Vendôme.

³¹ Vendôme, Arch. Mun., Registre 20.

³² Vouvray (Indre-et-Loire), chef-lieu of canton, arrondissement of Tours.

³³ Tours, Arch. Mun., BB. 10.

³⁴ Tours, Arch. Mun., Registre du comité.

³⁵ Sainte-Maure (Indre-et-Loire), chef-lieu of canton, arrondissement of Chinon.

³⁶ Lahaye-Descartes (Indre-et-Loire), chef-lieu of canton, arrondissement of Loches.

³⁷ Preuilly-sur-Claise (Indre-et-Loire), chef-lieu of canton, arrondissement of Loches.

Though these letters are preserved in the archives of Tours and will be quoted later, no mention is made in the minutes of the answers that were sent. It is clear that by this time the committee of Tours had ceased to believe in the existence of the brigands and took no further interest in these unfounded rumours. The panic had subsided and there were other matters to be considered. On 29 July the committee had found time to discuss the address to the national assembly, which was dispatched on 2 August and read at Versailles on 6 August.³⁸ On 2 August, also, letters were written to Angers and Orléans asking advice in reorganizing the *milice bourgeoise*.³⁹

Du 3 août au matin.

M. le major du régiment d'Anjou s'est présenté et a prévenu le comité, qu'au moyen de ce que le calme paraissait rétabli dans la ville et dans la campagne, il devenait inutile que sa troupe fût répandue dans toute la ville et dans les campagnes des environs comme elle l'a été jusqu'à ce jour, ce qui la fatigue extraordinairement. Pourquoi il prie le comité de trouver bon qu'il donne des ordres à cet effet, observant mondit Sr le major, qu'il serait aussi à propos de diminuer les postes des milices bourgeoises. Le comité a remercié M. le major de son honnêteté, lui dit qu'il ne peut mieux faire que de s'en rapporter à lui pour la sûreté de la ville et l'a engagé de ne point dégarnir les postes des faux bourgs comme les plus tumultueux, ce qui M. le major a bien voulu accorder.

GARDIEN.

Du 6 août au matin.

A été mis sur le bureau une lettre à l'adresse de MM. les officiers municipaux de cette ville, date du 3 de ce mois, écrite par M. Pillault, président du comité de la ville de Loches, portant envoi d'une lettre écrite par le comité de la ville de Preuilly à MM. les officiers municipaux de ladite ville de Loches, relativement aux brigands dont il a été ci-devant fait mention. Lecture faite desdites lettres, il y a été délibéré qu'elles seront déposées au greffe.

GAUDIN, Président.

Du 7 août au soir au comité général.

Il a été présenté par un envoyé de Mesdames de l'abbaye de Fontevault une adresse⁴⁰ aux comités des villes de Châtellerault, Lahaye, Ste Maure, Montbazou, et Tours par laquelle Mesdames exposent qu'il s'est répandu qu'un attroupement d'environ 6,000 brigands désolaient ces villes, pourquoi elles prient MM. composant lesdits comités de les instruire sur cette alarme. Le comité a délibéré que tous les bruits qu'on a fait courir en différents lieux sur l'existence de ces brigands sont sans fondements, d'après les renseignements qui en ont été donnés au comité.

MENON, Président.⁴¹

³⁸ *Point du Jour*, no. xlvi, p. 50.

³⁹ Tours, Arch. Mun., Registre du comité.

⁴⁰ This address does not seem to have been kept.

⁴¹ Tours, Arch. Mun., Registre du comité.

Though the panic caused by these rumours had subsided by the end of July, there is further evidence that it was serious while it lasted. On 10 August questions arose as to the form in which the minutes of the meetings of the committee were to be kept. At the afternoon session the secretary reported

que les premières délibérations prises les 22 juillet, 23, 24 au matin et soir, 25, 26 matin et soir, 27 matin et soir et 28 dudit mois de juillet au matin ne sont point arrêtées par la signature de ceux des MM. qui ont présidé, attendu les troubles qui dans ce tenu ont ôté la facilité à MM. les Présidents de signer lesdites délibérations.

The commissioners, who were consequently appointed to examine the minutes, made a report on 11 August in which they stated :

Avons aussi remarqué qu'à la séance du 25 au matin on a omis de faire mention de la nuit alarmante du 24 audit jour 25 pendant laquelle la rumeur fut générale, tant dans la ville qu'au dehors.⁴²

What evidence is there of the extent of the rumour ? It is certain that it reached Amboise on the east, for it is recorded in the deliberations of the *corps de ville* :

Aujourd'hui, 25 juillet 1789, 3 heures après midi, nous maire et échevins de la ville d'Amboise soussignés, étant assemblés à l'hôtel de ville, y sont tous entrés les capitaines, lieutenants et enseignes des six compagnies de la milice bourgeoise de cette ville, suivis de plusieurs bourgeois, qui nous ont dit qu'il est venu de Tours cité des avis que des brigands et gens sans aveu se répandaient aux environs de la ville de Tours et pays circonvoisins et y commettaient des dégâts et excès considérables et qu'il est de l'instant publié de se mettre en état de défense pour prévenir leurs incursions.⁴³

The major of the *légion nationale* of Blois wrote to Tours on 4 August asking advice on the formation of the *milice* and mentioning *les circonstances malheureuses où nous nous trouvons, la crainte des brigands*,⁴⁴ but it does not appear that there was any panic in the town.⁴⁵ It may therefore be assumed that the panic had spent its force soon after reaching Amboise.

As to the western limit of the rumour, the letter from Langeais quoted above shows that it, like Amboise, had received the news from Tours only. The question is whether the panic extended so far west as Chinon. This town, like so many others, does not seem to have considered itself of sufficient importance to have an opinion of its own on current events. On 24 July six companies of *jeunes gens* are formed *à l'exemple de ceux des villes voisines* ;⁴⁶ on the 25th there is considerable dissatisfaction that

⁴² Amboise, Arch. Mun., BB. 56, Registre des délibérations du corps de ville.

⁴³ *Ibid.*

⁴⁴ Tours, Arch. Mun., EE. 14.

⁴⁵ Blois, Arch. Mun., BB.³⁴ 38, Registre des délibérations du comité permanent.

⁴⁶ Chinon, Arch. Mun., BB. 27, Registre des délibérations du corps de ville.

a solemn Te Deum had not been sung as at Paris, Tours, and other places ; and on the 28th it was agreed

d'établir pour cette ville, à l'instar des principales villes du royaume, une garde et une milice bourgeoise : ⁴⁷

also a *comité permanent*. Was this the result of the Great Fear or not ? On 26 July it was feared that there might be disturbances in the night, and orders were issued to the old *milice bourgeoise* to mount guard as well as the *jeunes gens*. It seems, however, that the danger anticipated was from rioters and not from brigands. The opinion that the Great Fear did not reach Chinon is confirmed by the address sent by the abbess of Fontevrault, which was received by the committee of Tours on 7 August. If Chinon had also been affected by the panic, she would have been certain to have heard of it and to have made her inquiries there.

The evidence for determining the southern limit of the panic is much more abundant. The deliberations of the committee of Tours for 26 July show that a request came from Loches asking for troops *pour mettre le calme dans leur ville qui se trouve dans une position fâcheuse*. It might be thought at first sight that this was an indication that the panic had reached Loches. But the deliberations of the *corps de ville* of that town show that the *position fâcheuse* was the scarcity of bread-stuffs and its corollary of rioting and disorder.⁴⁸ The panic did not reach Loches till 29 July. The deliberations for that day break off suddenly and are unsigned.

Au 30 juillet 1789, sept heures du matin, le comité assemblé pour reprendre ses fonctions a arrêté unanimement de commencer ses délibérations par la relation des motifs qui l'ont empêché de clore sa séance d'hier ainsi qu'il suit.

Sur les quatre heures d'après midi lorsque nous étions dans le plus fort de la distribution des grains, le nommé Aviron, syndic de la paroisse d'Azay-le-Chétif,⁴⁹ vint demander M. Haineque, lieutenant général, et lui fit part que sa femme envoyait ses enfants au devant de lui pour le prévenir qu'un nombre considérable de brigands mettaient tout à feu et à sang, pillaient et dévastaient les blés dans les paroisses de Truyes,⁵⁰ Chédigny, Reignac,⁵¹ Azay et lieux circonvoisins ; mais que n'ayant aucunes nouvelles certaines, il avait cru ne devoir en communiquer qu'avec nous ; que M. Haineque ayant appelé M. le lieutenant général de police et maire, M. le commissaire ordonnateur des guerres, et M. le subdélégué leur fit part en présence dudit Aviron de sa déclaration, qu'il fut unanimement arrêté entre eux

⁴⁷ Chinon, Arch. Mun., BB. 27, Registre des délibérations du corps de ville.

⁴⁸ Loches, Arch. Mun., Registre des délibérations du corps de ville, 1789.

⁴⁹ Azay-sur-Indre (Indre-et-Loire), canton and arrondissement of Loches.

⁵⁰ Truyes (Indre-et-Loire), canton of Montbazou, arrondissement of Tours.

⁵¹ Chédigny and Reignac (Indre-et-Loire), canton and arrondissement of Loches.

qu'Aviron retournerait le plus promptement possible à Azay, l'informerait des faits et enverrait un exprès dans le cas où ils existeraient afin de leur donner les secours les plus prompts, et qu'au surplus on cesserait la distribution des grains autant qu'il serait possible et qu'on tâcherait que les bruits ne devinrent pas publics.

Qu'en effet la distribution continua pendant environ une heure avec la plus grande célérité sans néanmoins intervertir l'ordre qui fut exactement observé ; mais qu'au bout de la tenue il revint un particulier, armé d'une faucille et venant de la moisson, qui moins discret, étant entré au marché, dit publiquement que les prétendus brigands étaient très près de cette ville, que le premier avertissement d'Aviron n'ayant point pénétré, ceux auxquels il s'adressa le regardèrent heureusement comme un insensé et on le menaça de mettre en prison s'il ne se retirait promptement et en gardant le plus grand secret.

Lorsque la distribution était presque faite la Dame Suzor de Beaulieu, fermière de la salante entre Reignac, Azay et Chédigny, vint confirmer publiquement les prétendus ravages ci-dessus nommés, on essaya de nouveau d'étouffer les clameurs de cette femme, mais malheureusement son mari était revenu de la salante effrayé par les bruits de tocsin qui sonnait dans les paroisses circonvoisines et avait publié, avec un visage sur lequel étaient peints la frayeur et le désespoir, que toutes les campagnes circonvoisinières étaient embrasées, qu'on massacrait les gens, qu'on pillait les grains et que ces forcenés se portaient sur nous, et arrivaient à nos portes ; bientôt le peuple exagéra les bruits, les femmes éplorées et la majeure partie des citoyens crièrent de fermer les boutiques, que les assassins étaient déjà dans la ville. Les femmes se portèrent au château, beaucoup voulurent se réfugier en St Antoine d'où on les repoussa dans la crainte que les blés qu'en nous avions de reste ne furent pillés et les portes de St Antoine furent fermées.

Cependant les citoyens de tous états coururent aux armes et saisirent celles de toute espèce qu'ils peuvent se procurer et se portèrent du côté de Corbery⁵² d'où il semblait que les brigands devaient arriver sur nous. Le détachement de Royal Roussillon se mit en marche en ordre de bataille et fut au devant pendant que nos citoyens les plus expérimentés en l'art de la guerre essayaient de mettre le plus d'ordre possible parmi les citoyens armés. Nous restâmes dans cette cruelle incertitude pendant environ deux heures, entendant toujours dire que les forcenés se portaient sur nous avec la plus grande fureur et ne voyant rien venir et sur le rapport de MM. Lesourd et Cormaille qui avaient été au soin à la découverte qu'ils n'avaient absolument rien vu et que même leurs informations qu'ils avaient prises annonçaient, ce n'était qu'une fausse alarme, ce qui nous fûmes confirmés par MM. Colignon et de Messenger, qui nous dirent néanmoins qu'on avait répandu des bruits aussi faux et aussi alarmants dans les paroisses de Cormery et Truyes,⁵³ et que réellement les habitants des paroisses, qu'on nous avait nommé, alarmés avaient fait sonner le tocsin et accrédités par ces bruits, qui nous étaient parvenus, et après avoir été dans cette cruelle incertitude jusqu'à huit heures et demi du soir, nous

⁵² One kilometre north of Loches.

⁵³ Both cantons of Montbazou, arrondissement of Tours.

nous retirâmes après avoir arrêté qu'il y aurait une garde de quatre-vingts hommes faisant patrouille de dix en dix et que tous les citoyens en état de porter les armes se coucheraient, tout habillés, afin d'être prêts à marcher au premier signal ; MM. de Beaulieu qui avaient partagé nos alarmes avaient pris les armes par précaution.

Et à l'instant, M. Boulanger, maire de Châtillon ; Pénigault, fils du procureur du roi en la même ville ; Lussion, quêteur des aides ; et Pouzain, maître en chirurgie, annoncés tous entrés, M. Boulanger, portant la parole, a dit que la ville de Châtillon était dans l'alarme la plus vive et la plus réelle, fondée sur une lettre en date de ce jour adressée à MM. de Buzançais par MM. Bonnin de Treuillault, Scelleron, de Berchepault, Crublier de Corbilly, et Bertrand, tous de la ville de Châteauroux, ladite lettre ainsi conçue :

‘ Dans l'alarme générale des brûlés et assassinés par quatre mille brigands qui se répandent dans les villes et campagnes, nous vous avertissons, chers concitoyens, de mettre, sitôt notre lettre reçue, tous vos habitants sous les armes, de faire placer des gardes qui communiqueront de votre ville à la nôtre, et au premier signal d'incursion de la part de ces bandits vous joindrez nos drapeaux pour tous en force repousser notre ennemi commun. Nous sommes, etc.

‘ Et nous, MM. mesdites Sirs de Châtillon, priés de vouloir bien leur prêter mainforte dans la position cruelle où ils se trouvaient,’ etc.

D'après avoir délibéré, nous avons assuré MM. de Châtillon que lorsqu'ils éprouveraient des dangers réels nous nous ferions toujours un devoir de les assister de tout notre pouvoir, mais que n'ayant rien vu par eux-mêmes et étant instruits par notre fausse alarme de la veille, il y aurait plus que de l'inconséquence de notre part de leur prêter mainforte contre un danger imaginaire ; les priant néanmoins de vouloir bien, dans le cas où ils auraient des nouvelles sûres, nous en faire part, d'entretenir une correspondance avec notre ville, les assurant que nous volerons à leur secours au premier signal.

Exprès envoyé par MM. de Preuilly qui nous annoncent les mêmes alarmes, réponse analogue à ces messieurs.

Fait et arrêté après avoir vacqué jusqu'à une heure d'après-midi et avoir décidé que les quatre compagnies se mettraient sous les armes sur le grand mail le soir, trois heures de relevée, pour se former, reconnaître leurs rangs et exécuter quelques manœuvres militaires, remplacer provisoirement les places d'officiers vacantes et nommer des capitaines surnuméraires autant que les circonstances l'exigeront et avons continué la séance à demain neuf heures du matin.

PILLAULT, maire et président du comité.

(And other signatures.)

Aujourd'hui premier août 1789, sept heures du matin, le comité assemblé, M. le maire nous a donné lecture d'une lettre adressée à MM. les officiers municipaux par M. l'Intendant en date du 30 de ce mois en réponse à la nôtre du même jour par laquelle nous lui demandions un secours d'au moins 60 hommes du régiment d'Anjou, ainsi que les munitions de guerre

et des fusils pour nous prévenir contre les brigands⁵⁴ qui nous avaient été annoncés ainsi qu'il est porté par nos délibérations précédentes, par cette réponse M. l'Intendant nous annonce ne pouvoir nous envoyer ni hommes, ni armes, ni munitions, attendu le besoin où est la ville de Tours de conserver toutes ses forces. M. le maire nous a représenté une autre lettre de MM. le maire, échevin et autres habitants de la ville de Preuilly, par laquelle ils nous annoncent que leurs alarmes sur l'arrivée des brigands, qu'on avait annoncés, se dissipent et particulièrement que les villes de Confolens et de Montmorillon, qu'on avait annoncé avoir été ravagées, n'ont eu comme nous que des inquiétudes et nous engagent à communiquer avec eux en nous assurant de communiquer avec nous dans le cas où nous aurions respectivement quelques nouvelles.

PILLAULT, maire et président du comité.

(And other signatures.)⁵⁵

The panic was therefore communicated to Loches both from the north and the south-east. The northern rumour was evidently the continuation of that which reached Tours on the 27th by way of Crotelles. It is possible that the deliberations of the committee of Tours for 29 July give some indication of why this second panic should have penetrated to Loches, when the first did not, although the first made more impression on Tours and its immediate surroundings.

Du 29 juillet 1789 au matin.

M. le curé de la paroisse de Monts⁵⁶ s'est fait annoncer, lui entré, il a donné avis au comité que les habitants de la paroisse de Montbazou sont venus au nombre de trente-quatre armés le jour d'hier dans l'après-midi et ont forcé tous ceux, qui, à sa sollicitation pour procurer des secours à la ville de les livrer, avaient battu leurs seigles, qu'ils étaient dans l'intention d'amener aujourd'hui, que ces mêmes seigles ont été par eux enlevés sans exception... M. le curé prie MM. du comité de vouloir bien prendre des mesures à l'effet d'éviter de pareilles incursions, qui désolent les campagnes et qui exposent aux plus grands malheurs.⁵⁷

Truyes lies twelve kilometres from Montbazou. If the inhabitants heard rumours, as they doubtless would hear, of this act of pillage, they would inevitably think that the brigands who had been so much talked of were indeed in their immediate vicinity.

As to the news that came from Châteauroux by way of Buzancais and Châtillon, it is known that it reached Châteauroux on the 29th at 7 p.m. by a letter from the mayor of Argenton, and was confirmed during the night by a letter from the mayor of

⁵⁴ This letter does not exist in the archives at Tours.

⁵⁵ Loches, Arch. Mun., Registre des délibérations du corps de ville, 1789.

⁵⁶ Monts (Indre-et-Loire), canton of Montbazou, arrondissement of Tours.

⁵⁷ Tours, Arch. Mun., Registre du comité.

La Châtre.⁵⁸ The panic, therefore, was communicated from Berry to Touraine. The letters which were received at Tours on 30 July from Sainte-Maure, Lahaye, and Preuilly, show that it was also communicated from Poitou.

Ste Maure, le 30 juillet 1789.

Messieurs de l'hôtel de ville de Tours.

Nous vous prévenons que l'ennemi s'approche d'ici ; comme nous ne sommes pas en état de nous défendre, nous vous prions de nous donner du secours le plus promptement possible, la chose étant instante.

Nous avons l'honneur [etc.]

MASHMALL (maire), BOURGEOU (échevin), OHLEZ,
CIMOT (greffier).⁵⁹

Lahaye, le 30 juillet 1789.

Nous venons, messieurs, d'être prévenus de M. le marquis de Plumartin et M. le curé de Lésigny sur Creuse⁶⁰ qui annoncent que la ville de Montmorillon et celle de St Savin⁶¹ en Poitou sont à feu et à sang ; l'on prend toutes les précautions nécessaires pour se défendre contre cette troupe que l'on dit être d'environ 6,000 hommes. Je crois être obligé de prévenir par un homme Buron, qui est envoyé par M. le Marquis de Lussac qui est à son château de la Bouletaye, distant de cette ville de trois lieues.

R. J. GAULNOT, syndic.⁶²

Preuilly, le 30 juillet 1789.

Monsieur,

Dans l'instant nous recevons l'avis des syndics d'Angles⁶³ et de Tournon⁶⁴ qu'une troupe de brigands parcouraient le pays, en faisant des plus grands dégâts ; nous vous prions, monsieur, de nous procurer le plus prompt secours, parce qu'ils dirigent leur marche vers cette ville.

Nous avons [etc.],

DE LABANDE (maire), C. RICHARD, J. PERRÈRE échevin.⁶⁵

The deliberations of Loches mention the receipt of a letter from Preuilly on 1 August, stating that their alarms had been without foundation. A copy of this letter was sent to Tours where it was received on 6 August.

⁵⁸ Marcel Bruneau, *Les Débuts de la Révolution dans les départements du Cher et de l'Indre* (1789-91), p. 60.

⁵⁹ Tours, Arch. Mun., BB. 10.

⁶⁰ Lésigny (Vienne), canton of Plumartin, arrondissement of Châtellerault.

⁶¹ Saint-Savin (Vienne), chef-lieu of canton, arrondissement of Montmorillon.

⁶² Tours, Arch. Mun., BB. 10.

⁶³ Angles-sur-Anglin (Vienne), canton of Saint-Savin, arrondissement of Montmorillon.

⁶⁴ Tournon-Saint-Martin or Saint-Martin de Tournon (Indre), chef-lieu of canton, arrondissement of Le Blanc.

⁶⁵ Tours, Arch. Mun., BB. 10.

Loches, le 3 août 1789.

Messieurs,

Nous avons l'honneur de vous envoyer copie d'une lettre que MM. les officiers municipaux de la ville de Preuilly nous ont écrite le 31 du mois dernier.

Vous avez été instruits de l'alerte que nous avons eue mercredi dernier ; il y en a eu de pareilles dans le Berry, notamment à Châteauroux, Buzançais, et Châtillon ; mais il paraît que partout ce n'a été que de fausses alarmes et que maintenant tout est tranquille.

Nous sommes [etc.]

PILLAULT, maire et président du comité.⁶⁶

Copie de la lettre écrite par MM. les officiers municipaux et autres habitants formant le comité de la ville de Preuilly à MM. les officiers municipaux de Loches.

Messieurs,

Nos alarmes se dissipent de plus en plus. La brigade de maréchaussée de cette ville se porta hier jusqu'à St Savin, d'où elle reçut des nouvelles directes de Montmorillon et de Confolens, qu'on nous avait dit d'être le foyer des ravages des prétendus brigands, dont l'existence paraît même fort douteuse, ces villes n'ayant comme nous que des inquiétudes et des alertes, mais si vives, mais si pressantes que tout est en armes encore actuellement depuis Limoges jusqu'à Châtellerault ; on ne compte pas moins de cinquante mille hommes armés sur les bords de la Creuse. La petite ville de St Savin est demeurée déserte. La femme d'un médecin a fait à pied le trajet de cette ville ici, c'est-à-dire sept à huit lieues,⁶⁷ et le reste des habitants s'est réfugié à Montmorillon et autres endroits voisins. Des dames de Loches ont quitté également le couvent de Pozay,⁶⁸ et nous sont arrivées hier matin aussi à pied. La garde du pont les a arrêtées, l'officier les a interrogées et a fini par leur donner le bras pour les conduire chez M. Lutier. Les religieuses, au moment du départ de ces dames, couraient les champs. Malgré tout, nous croyons devoir nous tenir sur nos gardes et si nous recevions d'autres nouvelles, nous aurions l'honneur de vous en faire part, si l'avis en méritait la peine, en vous priant d'en faire de même à notre égard.

Nous sommes [etc.], les officiers municipaux et autres habitants formant le comité,

Signé : Le marquis DELAIGNY ROCHEFORT ; RICHARD ; G. DUROY ;
FERRÈRE, échevin ; DE LABANDE, maire.

P.S. Nous vous prions, messieurs, de faire part au corps municipal de la ville de Tours du contenu en notre lettre, quant à notre tranquillité

⁶⁶ Tours, Arch. Mun., BB. 10.

⁶⁷ This seems to make it certain that the Preuilly from which these letters came was Preuilly-sur-Claise (Indre-et-Loire), chef-lieu of canton, arrondissement of Loches, not Preuilly-la-Ville (Indre), canton of Tournon, arrondissement of Le Blanc. The former is 34 kilometres (8½ lieues) from Saint-Savin, while the latter is only about 16 kilometres (4 lieues).

⁶⁸ Probably at Posay-le-Vieil near La Roche-Posay (Vienne), canton of Pleumartin, arrondissement of Châtellerault.

actuelle. Nous avons eu l'honneur, dans un moment d'effervescence, d'écrire au maire pour en obtenir des balles et de la poudre. Quant à la correspondance que vous nous proposez, nous l'acceptons sous tous les rapports avec beaucoup de reconnaissance.

Certifié conforme à l'original par nous, maire et président
du comité de la ville de Loches, soussigné

PILLAULT.⁶⁹

These letters all go to prove that the panic was general in this eastern corner of Poitou, and that the places most affected were Saint-Savin, Montmorillon, and, to go south into the Angoumois, Confolens. The deliberations of Confolens⁷⁰ show that the alarm was communicated from the west and north-west, from Ruffec and Civray, and first reached Confolens on 28 July, at 10 in the evening. From here it must have turned north again and affected first eastern Poitou and then Touraine.

There does not appear to be any further evidence of the Great Fear in Touraine, but what there is seems sufficient to show that the sources of the panic were so diverse and independent that it is impossible to believe that all the messengers were accessories to a plot. How the news reached those points in Maine, Poitou, Berry, and Angoumois, from whence it was communicated to Touraine, it is not our present purpose to examine. At any rate there was not the smallest suggestion that the panic was the result of a plot till 12 August, when the *jeunes gens* in their memoir to the committee of Tours say,

à l'exemple de la capitale et des principales villes de France qui touchaient au terme de leur ruine par un affreux complot dont plusieurs de nos frères ont ressenti les malheureux effets, la Touraine a pris les armes pour se parer des incursions et déprédations qu'auraient infailliblement commises les traîtres et les brigands dignes émissaires des auteurs de cette trame horrible, si l'on ne se fût pressé de les effrayer en se mettant sur la défensive.⁷¹

A possible allusion to a plot may be found in the answer of the committee to the abbe of Fontevault, where it speaks of

les bruits qu'on a fait courir en différents lieux sur l'existence de ces brigands.⁷²

Was there anything in the circumstances that prevailed in Touraine at the end of July to account for the panic that the news of the brigands inspired, news so wildly improbable that it seems extraordinary that it was not received with the incredulity that it deserved? It has been shown that the evidence of the

⁶⁹ Tours, Arch. Mun., BB. 10.

⁷⁰ Santhonax (M. Aulard), *La Grande Peur*, in *La Justice* newspaper, 3 October 1887.

⁷¹ Tours, Arch. Mun., Registre du comité (du 12 août au soir).

⁷² *Ibid.* (du 7 août au soir).

disordered state of the province is so abundant as to be almost overwhelming. It was plain to the most unreflective mind that the hold of the local authorities on the people, which had been weakened during the riots in the early part of the year, had completely given way. The fall of the Bastille and its attendant circumstances showed that the capital was in no better case. Still more, the fact that the Paris mob and the assembly could oblige the king to dismiss his ministry proved that even the executive had lost its power. France had returned to that state of nature so dear to her publicists, and instead of finding that the golden age had arrived, she found that the life of man was likely to be 'nasty, brutish, and short'. There seemed to be nothing to prevent brigands marching through the country plundering as they went. On 20 July the notables of Tours had sent out a detachment of *maréchaussée* to search the mills of the Indre for flour. On the 23rd free and, it may be assumed, unauthorized volunteers commandeered flour from the mills of Joué,⁷³ Ballan,⁷⁴ Savonnières, and Villandry.⁷⁵ The invasion of Monts by the people of Montbazou has already been noticed. On 9 August similar depredations were made at Luzé⁷⁶ by the inhabitants of L'Ile-Bouchard.⁷⁷ Surely these differed only in degree from the reported incursions of the brigands. Although the affair at L'Ile-Bouchard happened after the period of the Fear, it is worth noticing for the decision of the *commission intermédiaire* on the appeal of the inhabitants of Luzé, a decision that may be regarded as typical.

Il a été arrêté qu'il serait répondu que ces actes de violence ayant été un malheur général, le parti le plus prudent paraissait être de les dissimuler et de n'en pas poursuivre la réparation qui serait aussi difficile que dangereuse, qu'il fallait espérer que le rétablissement de l'ordre ferait cesser bientôt ces effets de l'effervescence populaire et qu'il serait pris les précautions les plus sages et les plus efficaces pour empêcher que de pareils excès ne se renouvellassent pas à l'avenir.⁷⁸

As to the direct effects of the *grande peur* in Touraine, it must be admitted that they were not great. In some parts of France the Fear was followed by the Jacquerie. Fortunately this was not the case in Touraine, though it seems curious that it was not, considering the number and magnificence of her châteaux.

⁷³ Joué-les-Tours, Savonnières, and Villandry (Indre-et-Loire), canton (Sud), arrondissement of Tours.

⁷⁴ Ballan (Indre-et-Loire), canton of Montbazou, arrondissement of Tours.

⁷⁵ Faye, *L'Anarchie spontanée en Touraine*.

⁷⁶ Luzé (Indre-et-Loire), canton of Richelieu, arrondissement of Chinon.

⁷⁷ L'Ile-Bouchard (Indre-et-Loire), chef-lieu of canton, arrondissement of Chinon.

⁷⁸ Indre-et-Loire, Archives Départementales, C. 736, Registre des délibérations de la commission intermédiaire de la généralité de Tours et de la commission du district de Tours.

Possibly the feudal custom was not strictly enforced; at any rate, it does not appear to have been a very serious grievance. The Tiers État of Tours, in their *cahier des doléances*,⁷⁹ which appears to have been adopted by their order for the whole of Touraine, made the usual complaints, but they do not seem to have done so with any rancour. Though they demanded the alienation of the crown lands, they did so from motives of economy, and they excepted the forests, although they said that *le droit exclusif de chasse est une véritable tyrannie*.⁸⁰ Their general opinion was that

Les droits seigneuriaux, nés pour la plupart dans les temps d'anarchie, où chaque seigneur était une espèce de despote, n'ont pu devenir légitimes et doivent être abrogés dès qu'ils sont reconnus nuisibles au bien de l'État et du peuple, qui est la souveraine loi.⁸¹

It may also be assumed from the fact that all four deputies of the noblesse for the *bailliage* of Tours were among the forty-seven who joined the commons on 25 June, that not only were their own views liberal, but that they represented a liberal-minded constituency.

Even the formation of *milices nationales* and *comités permanents* was due for the most part to the example of Paris, and took place before the panic arrived. Such was the sequence of events at Tours and Loches. It seems improbable that the formation of the committee at Chinon was due to the Fear, and Amboise after some discussion decided that a committee was unnecessary.⁸²

There is no doubt that the Great Fear had much to do with the federal movement that expressed itself in the fête of the Champs de Mars on the anniversary of the fall of the Bastille. Though it has been shown that it is incorrect to speak of the provinces as though they were administrative divisions,⁸³ there can be no doubt that there was a very strong provincial feeling at the close of the *Ancien Régime*. Men were Tourangeaux and Poitevins rather than French. The common danger undoubtedly went a long way towards breaking down these local barriers. Men and arms were exchanged between towns in different provinces, and correspondences were begun that did not stop with the subsidence of the panic. Here again, though Touraine was not an exception, it cannot be said to be a characteristic example. Tours certainly entered into a correspondence with Angers, Orléans, and Blois on the subject of *gardes nationales*, and Châtillon

⁷⁹ Faye, *Doléance du Tiers État de Tours*, 1789.

⁸⁰ *Ibid.*

⁸¹ *Ibid.*

⁸² Amboise, Arch. Mun., BB. 56, *Délibérations* (du 16 août).

⁸³ Armand Brette, *Les Limites et les Divisions territoriales de la France en 1789* (Paris, 1907).

asked Loches to join the towns of Berry in resisting the common enemy. But Neuvy-le-Roi sent an address only

à plusieurs autres (villes) de la province pour les engager à agir de concert dans les mesures à prendre pour le maintien de l'ordre et de la tranquillité publique au milieu de l'embarras des circonstances actuelles.⁸⁴

and it was with Preuilly only that Loches suggested a correspondence. The federal movement was in the germ, but it was for the most part still within the boundaries of the province.

The documents quoted show how the fear of the brigands spread inevitably from place to place. The fact that the people of Touraine believed in their existence may possibly be accounted for by the disordered state of the province and the unprecedented events which were taking place in the capital. It was only natural, however, that when the brigands did not appear, those who had given way to panic should be both surprised and ashamed of their behaviour. The theory that they had been the victims of a plot seemed both to explain and excuse their credulity. But the real significance of the Great Fear lies in the fact that *malgré tout, nous croyons devoir nous tenir sur nos gardes*.

M. A. PICKFORD.

⁸⁴ Indre-et-Loire, Arch. Dép., C. 736, Délibérations de la commission intermédiaire (du 14 août).

Notes and Documents

The Weigher of the Exchequer

THE first mention of this ancient serjeanty given by Madox in his account thereof¹ is in 1202, when Thomas 'de Windlesores' accounted for five marcs on succeeding to it, and was excused payment in consideration of the fact that he was resident at the Exchequer.² Ten years later the jurors for the Hundred of Poorstock made return that this Thomas held Windsor (*Windsor*) by serjeanty 'from the Conquest and of the gift of William the Bastard'.³ But, although the great Dorset return of 1212 is of high interest and value, the jurors were, I think, too ready to trace titles from the days of the Conquest and even to supply information as to days earlier still.

It is, however, a fact that the manor of (Broad) Windsor appears in Domesday (1086) as held by one of 'the King's serjeants', Hunger, the son of Odin, and that the geld-roll of two years earlier shows it as held by Hunger, son of 'Audoenus'. But this leaves, it will be seen, a gap of 126 years. One is, therefore, specially desirous of finding the holder of this serjeanty on the roll of 1130, in accordance with a method I have employed with some success; and, as it was an exchequer serjeanty, it should certainly be found there. The roll, however, contains no name that affords us any clue. We must examine, therefore, the sums which it records as remitted for Danegeld, and see if any one of them was in respect of Broad Windsor. Its Domesday assessment, in Hunger's hands, seems to have been twenty-one hides, on which the Danegeld, in 1130, would be forty-two shillings; and we do find under Dorset one remission of exactly forty-two shillings.⁴ But there is nothing to imply, or even to suggest, that Gervase, son of Osbert, to whom that sum was remitted, was holder of this serjeanty. It is, indeed, at first sight, against that supposition that an almost equal amount (thirty-nine shillings) is remitted to him under Hampshire (p. 41), for Hunger son of Odin, the Domesday serjeant, is not among the Hampshire holders of lands.

We will approach the problem, however, from another side.

¹ *History of the Exchequer* (1711), p. 740.

² '... pro serjanteria sua' (Pipe Roll, 4 John). This was clearly a relief on his succession.

³ 'de conquestu et de dono Willelmi Bastardi regis Angl' (*Testa*, p. 165).

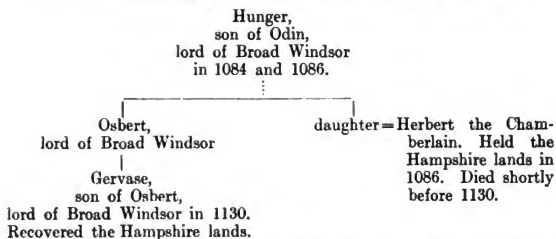
⁴ 'Gervasio filio Osberti xlijs.' (p. 16).

At a later date, in the returns transcribed in the *Testa de Nevill*, we discover that there were, in Hampshire, lands which belonged to this serjeanty and were held by the Windsor family.⁵ Thomas de 'Wyndelesore' is entered as holding land in 'Suberton', worth £10 a year, 'de veteri feoffamento' . . . per serjant' scaccarii,'⁷ and in another return (p. 242) the abbot of Beaulieu appears as holding land in Soberton 'of the serjeanty of John de Windeshores', and John himself as holding 'la Rode' (i. e. Rhode in Selborne⁸) by serjeanty. Now lands in 'Larode' and Soberton constitute the Domesday holding of Herbert the Chamberlain. How did they pass to the Windsor family? The answer is found on that great record, the roll of 1130. After its entry (under Hampshire) of the sum paid by the son of Herbert the Chamberlain on succeeding to his father, it proceeds:

Gervasius filius Osberti debet xx marcas argenti pro rehabenda terra sua quam Herbertus Camerarius habuit cum sorore patris sui (p. 37).

What was the land thus recovered after the aunt of Gervase had carried it away in marriage? Clearly it was the Domesday holding of Herbert the Chamberlain, which is subsequently found in the hands of the Windsor family. And if this be questioned, I will further cite a strange corroborative hint. On the same folio of Domesday (48 b) we read that Walter Fitz Roger holds [in Se] lesborne', and Hunger of him. But the scribe has subsequently altered 'Hunger' into 'Herbert'. Why was this? Because, I boldly assert, Hunger—who was no other than Hunger, the Domesday lord of Broad Windsor—gave his Hampshire lands in marriage to Herbert the Chamberlain with his daughter, which would supply the missing link by making Gervase, the son of Osbert, a grandson of Hunger, son of Odin.

The tentative pedigree, therefore, which I suggest, is this:



⁵ This family, which took its name from (Broad) Windsor, Dorset, must be carefully distinguished from the baronial Windsors, named from Windsor, Berkshire.

⁶ i.e. under a feoffment not later than 1135.

⁷ p. 233 b. Cf. p. 235 b, and *Lib. Rub.*, p. 459.

⁸ We are indebted for this identification to *Feudal Aids*.

As this would make Gervase the grandson of a Domesday tenant, he would probably be still, in 1130, a comparatively young man. He might, accordingly, survive the dark gap in our Pipe Rolls from 1130 to 1155. And, as a fact, when they recommence, we find a Gervase 'of the treasury' (*de thesauro*) excused payment of Danegeld under Dorset and Hampshire, precisely as Gervase, 'filius Osberti,' had been in 1130.⁹ On that of 1160 he is excused his payment of 'murder' fine under 'Beaminster', evidently for Broad Windsor (p. 42), and under Neatham Hundred, evidently for his land in Selborne¹⁰ (p. 48). Finally we find ourselves in full daylight with the roll of 1168. For although he is still excused his quota of a murder-fine under Neatham Hundred as Gervase 'de thesauro', he is Gervase 'de Windr' on the chancellor's roll (p. 186), while under the Hundred of Meonstoke he is excused his quota—evidently for his main Hampshire holding, that of Soberton—on both rolls as Gervase 'de Windr'.

I have now identified Gervase de Windsor—ancestor of the Windsors of Broad Windsor—with Gervase 'of the treasury', and I have further identified the latter with Gervase, the son of Osbert.¹¹ I have, in addition, connected this latter Gervase with Herbert the Chamberlain, and Herbert with Hunger, in whom I claim to recognize Hunger, the son of Odin. Of those who read these pages, most, perhaps, will wonder why one should so laboriously strive to establish this pedigree. But by the help of genealogical and topographical research one is now enabled to carry back this exchequer serjeanty to the days of the Conqueror himself. Madox, we have seen, could take it back no further than the days of John, and the editor of the *Red Book of the Exchequer* (1896) could not carry the matter further, for he observes only that it 'had been held since the reign of John by the family of Windsor' (p. cccxvi). But through all the vicissitudes of a century and more previous to John's reign these hereditary officials, we now learn, had been weighing the silver pennies for the treasury of their king.

It is the early history of this serjeanty that is thus important for the light it throws on treasury and exchequer practice. Its later history is of little interest. Thomas de Windsor, of John's reign, was succeeded by John, who held it early in the reign of Henry III 'per serjant' fundatoris scaccarii,¹² and whose son, Thomas, did homage for it, 22 Henry III.¹³ It was in the

⁹ See Pipe Rolls of 1156 and 1162.

¹⁰ This happens again on the roll of 1161 (p. 48).

¹¹ Even if these were father and son, the argument would not be affected.

¹² *Testa*, p. 166.

¹³ Madox, *Exchequer*, p. 740, note y.

time of this Thomas, 'ponderator denariorum ad scaccarium domini regis,' that the alienations of part of the land were officially recorded.¹⁴ He was in turn succeeded (35 Henry III) by another John, who received the hereditary office, 'tanquam pertinente ad tenementum suum,'¹⁵ and made it over by feoffment (confirmed by the king) to the notorious Adam de Stratton in 48 Henry III,¹⁶ some two centuries after the Norman Conquest. On the death, in 1283, of John's son Hugh, in his father's lifetime, the *Inquisitio post mortem* records John as having held Broad Windsor 'by service of pesage of the exchequer', but this word, which denotes the *pesour* (weigher), is oddly rendered as 'passage' in the official calendar (pp. 277, 704). J. H. ROUND.

A Chronicle Roll of the Abbots of Abingdon

IN the MS. 255, p. 55, in the library of Corpus Christi College, Oxford, there are some extracts made by Brian Twyne from an unknown chronicle of the abbey of Abingdon. It will be observed that it was written in the year 1361, and was compiled from the Landbook (now printed in the Rolls Series), the Martyrologe, the White Book, composed by Abbot John Blostmevyle (1241-56), and a chronicle of Thomas Marcham. To the year 1189 it agrees closely with the history of the abbey as given in the *Chronicon Monasterii de Abingdon* (Rolls Series); from that date onwards it is the chief authority we have. Unfortunately, Twyne abbreviated the original, but at the end he gives in full the account of the attack on the abbey in 1327, and of the disputes between the abbot and prior in 1320-2. Of the former we have knowledge from Wood's *History of the University of Oxford*, but his rendering of our record is in places inaccurate, and in the Latin edition of his history, where we should expect to find the original, we have only his English account turned into classical Latin. In the Patent Rolls and Close Rolls of Edward III there are many entries about this attack, but they add little to our chronicle except the list of Oxford citizens given in the Commission of 3 March 1328;¹ it shows that those whom we know to have been the most substantial and respectable of the citizens of Oxford gave their aid to the citizens of Abingdon. There is also mention of the dispute between the abbot and prior in the Patent and Close Rolls. On 9 August 1320, the king, hearing that the abbey was misgoverned, directed Hugh le Despenser and the bishop of

¹⁴ *Testa*, pp. 171, 173. Madox observed that this record was 'without date', but it clearly belongs to Passelew's eyre in 1250.

¹⁵ Madox, *Exchequer*, p. 740, note z.

¹⁶ *Ibid.* and *Lib. Rub.*, p. cccxvi.

¹ *Calendar of Patent Rolls*, p. 288.

Salisbury to make inquiry about it. They made their report in the parliament at Westminster in the octaves of Michaelmas, on which occasion a complaint was brought to the king from the prior that he was detained 'as if in prison' by his abbot; and the abbot, who was present, was commanded to produce the prior on the next day. What the issue was on this matter we are not told, but it was decided that the king should send 'men of religion and others' to the abbey to cause reformation.² On 21 November he appointed the abbot of Reading and William de Bereford to this duty.³ After this we hear nothing until 3 February 1322, when we learn from the Papal Registers that the pope pronounces the suspension of John de Sutton, abbot of Abingdon, who has alienated the property of the monastery, as has been proved by deposition of witnesses. On 12 May the monks have licence to elect a successor to their late abbot, and on the next day the king gives an order that if John de Canings, prior of Abingdon, returns to the monastery from which he has absented himself for some time, he is to be admitted.⁴ Our chronicle helps to fill the gap between November 1320 and February 1322.

Twyne does not say where he saw the original, but as there are extracts from the Landbook of Abingdon Abbey on the same page, which Twyne says was in the possession of Mr. Powell of Sandford-on-Thames, it is possible that the Chronicle was also the property of Mr. Powell. The transcript was made by Twyne in 1606, when he was a young man; and there are errors in it, especially in the reading of capital B, which he would not have made later. Wood had no knowledge of the original.

H. E. SALTER.

Catalogus abbatum monasterii de Abendone una cum maxime illius loci memorabilibus & gestis.

Heanus, qui possessiones sub Ina rege que illius monasterii erant recuperavit.

Guiatus⁵, qui sub Athelstano recuperavit omnia que Dani socii Inguar et Ubbar abriperunt, usque dum motu imaginis crucifixi lapides e muro refectorii extrahentis deterriti sunt & ab eo loco monasterii metu fugati.

Sanctus Athelwoldus, monachus Glastoniensis, discipulus sancti Dunstani, sub quo monasterium valde floruit; fit postea Wyntoniensis⁶ episcopus.

Osgarus.

Edwinus, abbas simoniacus.

Wulgarus.

Ethelwynus.

² *Calendar of Close Rolls*, 1318-23, p. 351.

³ *Calendar of Patent Rolls*, 1317-21, p. 527.

⁴ *Calendar of Close Rolls*, 1318-23, p. 556.

⁵ *Potius Ginatus.*

⁶ *MS. Wgt'.*

Siwardus, qui voluit destruxisse ecclesiam ab Athelwoldo conditam, sed ab eo deterritus est.

Aldredus, qui Gulielmo conquestori odiosus omnes monasterii possessiones amisit. Vicecomes autem qui seiscavit bona monasterii fuit postea mendicus apud idem monasterium.

Athetelmus,⁷ cui rex Gulielmus omnia restituit; ideoque hic abbas, Gulielmi favore fretus, turbatis tum rebus, monasterium suum manu forti, 30 militibus & aliis soldariis tuebatur, quibus centum sexaginta hidas de abbacie possessionibus delegavit, tali conditione ut singuli eorum in omnibus causis & necessitatibus monasterio & abbati parerent pro sua mansione & tenura; et hi milites Abendonie postea sunt vocati.

Reginaldus, quo mortuo (quia tum sub Gulielmo Rufo invaluit ut prelatorum defunctorum possessiones regi cederent) constitutus est Modbertus procurator pro rege.

Faricius sub Henrico I; hic insulam de Andresey a rege pro suo monasterio obtinuit.

Vincentius qui monasterium obtinuit, cum quatuor annis ab abbate vacasset & 300 libras annuatim solvisset, gubernante monasterium⁸ Warengario priore. Huius tempore rex Henricus I voluit monasterio subduxisse hundredum de Hormere & mercatum, sed abbas producto privilegio sancti regis Edwardi conservavit. Tum hospitale sancti Iohannis de novo construxit.

Ingulfus sub Henrico II, qui ingerente fame thecam Vincentii eidem monasterio a Canuto datam fregit et pauperibus dedit.

Walkelinus.

Godofredus expulsus.

Rogerus, quo defuncto rex Henricus II constituit custodem abbacie Thomam de Hisseburne.

Aluredus.

Hugo sub Ricardo I;⁹ hic primus inter abbates de Abendone de gremio ecclesie a fratribus canonice electus est. Hic etiam obtinuit cartam a rege Ricardo I de hundredo de Hormere, de ecclesiis, de sylva de Comenore¹⁰ & Baggele,¹¹ de mercato Abindone, de decima venationis in foresta de Windesore, de theloneo, passagio, pontagio, lestagio, de consuetudinibus per terras & portus maris, de warrenis, de curia in Oxonia &c.; fecit etiam campanile versus orientem; de quo sic,

Ast opus insigne, colitur quo [*blank*] digne

Matri Messie,¹² condidit ille pie.

Hic monasterium de Codesdoun¹³ conventui suo dedit, in reconciliationem pacis inter ipsum & conventum suum quando discordabant. Similiter cum tota Anglia sex annis sub Iohanne rege esset interdicta, hic tamen obtinuit pro monasterio suo relaxationem ab interdicto generali

⁷ The original may have read *Athetelmus*.

⁸ MS. *monasterio*.

⁹ This is probably Twyne's addition; a writer of 1361 could not speak of 'Ricardo I'.

¹⁰ MS. *Somenore*.

¹¹ MS. *Gaggele*.

¹² We may conjecture 'colitur quo maxima digne Mater Messie'.

¹³ MS. *Godesdoun*. *Monasterium* here means 'church'.

& confirmationem omnium libertatum & possessionum monasterii sui & cartam de prioratu de Colne.¹⁴

Robertus Henreth, de quo sic,

Dignus prelatus Robertus erat memoratus;
Moribus ornatus, ad bona multa datus;
At detrimentum dedit illi cura parentum,
Cum fregit senium, taliter ante pium.

Reliquit monasterium in debito 600 marcarum.

Lucas; hic liberavit monasterium a debito. Sub eo ecclesia de Abendon fuit dedicata. Decimam de dominio abbatis in Dumbultone contulit precentori.

Iohannes de Blostmeville.¹⁵

Gulielmus Newbery, qui resignavit abbatiam ad declinandam invidiam multorum pro incontinentia sua; uxorem tamen habuit apud Littlemore, monialem, sub Henrico III.

Henricus Frileford qui multa monasterio alienavit, precipue cuidam Iohanni in custodia parci de Raddele.

Ricardus Henreth, qui cum Hugone de Courtney, Devonie comite, super iure patronatus ecclesie de Suttone¹⁶ lites magnas habuit, & facta inquisitione apud Wyndsore res adiudicata est comiti Devonie, qui Iohanni de sancta Helena monasterii senescallo certas acras terre dedit, ut panellum de iure comitis informaret; ea terra postea dicta est y^e Vorswhorenelande, terra periurata, et post factum ille Iohannes linguam suam ex ore expuebat.

Nicholaus de Culneham.

Ricardus de Clyve, qui cum fratre Iohanne de Frileford thesaurario, fratre Gualtero de Morton custode de Godedoun,¹⁷ fratre Henrico de Podecote pitancario, Iohanne Durhurst capellano abbatis, Galfrido Podbury senescallo, Rogero Finacourt ballivo de Hornemere cum duobus fratribus piscatoribus de la Wike remigibus navicule, redeundo de Chislehanton, ubi cum domino Ricardo Luches milite fuissent in prandio, in decursu aque tenentium coquinarii inter insulas de la Wike¹⁸ submersi sunt anno domini 1316 sub Edwardo Caernarvan, anno abbatis x.

Iohannes de Suttone, qui cum suo conventu magnas inimicitias gessit; accusatus est a suis in visitatione monasterii per episcopum Sarum, & ille priorem fecit lese maiestatis condemnari muneribus suis.

Iohannes Kanynges; huius tempore guerre inter laicos & religiosos Abendonie acciderunt, anno domini 1327.

Robertus Gareford: hic prosecutus est Abingdonenses de rapinis suis.

Willelmus de Comenore.

Rogerus de Thame.

Petrus Hanney, anno domini 1361.

Hactenus rotularius meus author qui hanc suam chroniculam ex libro monasterii Abendon qui le landbok dicitur, ex martyrologio, ex albo libro

¹⁴ MS. *Solne*.

¹⁵ MS. *Glostineville*; the name is spelt *Blostineville* by some editors.

¹⁶ Now Sutton Courtney. ¹⁷ Perhaps Codesdoun is meant. ¹⁸ Sutton Wick.

quem magister Iohannes Blostmevyle¹⁹ illius monasterii abbas composuit, et ex chronica Thome Mercham compilasse se scripsit. Quedam tamen fusius ex eadem predicta chronicula monasterii Abindonensis depromenda iudicavi tum usus proprii ratione tum ob rerum gestarum memoriam conservandam.

Inprimis de Iohanne Blostmevile²⁰ autor meus verbatim sic:—Hic terras & tenementa Benedicti de Lardario in Abbendone, terram de Glakesole²¹ iuxta Welford, terras etiam & tenementa Rogeri Borewardeskote²² in Abbendone monasterio acquisivit; manerium autem de Sonigwell, quod abbas Adelmus tempore Conquestoris cuidam militi contulit, ad propriam revocavit culturam magnis sumptibus & expensis. Omnes etiam terras & tenementa cum fundis & omnibus aliis pertinenciis que Hugo filius Henrici in Abendone & toto comitatu Berks' obtinebat, pro octingentis marcis & duobus corrodiiis monachorum, tamen ipsius conventus sumptibus, comparuit. Stabilivit etiam per consensum episcopi & conventus unum sacerdotem singulis diebus divina celebrantem specialiter pro anima sua, predecessorum, & successorum suorum, ac omnium fidelium defunctorum, & precipue omnium quorum corpora in semiterio requiescunt, in capella que dedicata est in honorem sancte Crucis & beatorum Edmundi & Guthlaci confessorum, quam ipse abbas propriis sumptibus fabricavit; et quia Mabilia mater sancti Edmundi ibidem iacet tumulata, capella matris sancti Edmundi vulgariter nuncupatur. Excommunicavit etiam abbas predictus omnes illos que in posterum istum ordinem impediunt quovismodo, & ista sententia sub sigillo domini episcopi, abbatis, & conventus munita extitit & confirmata; et ego firmiter credo omnes illos istas censuras incurrisse per quos ista devota observacio fuerit infirmata. Capellam etiam sancte Trinitatis & beate genetricis dei Marie, in qua ipse abbas traditur sepulture, venerabiliter consummavit. Fundamentum etiam crucis ecclesie, videlicet duas alas ex parte septentrionali & australi inchoavit, & usque ad supremas fenestras exaltavit; quas alas secundum formam operis Hugonis abbatis proposuit consummasse. Cumque iste venerandus abbas circa utilitatem ecclesie assidue laborasset dispersa congregando & alia quamplurima acquirendo, gravi infirmitate correptus, percipitur ab hac vita.

De temporibus vero abbatis Iohannis de Kaninges sic:—Anno domini 1327 die Lune proxima post octabas Pasche,²³ parum post horam nonam, omnes villani Abbendone, saltem maiores, communi campana pulsata, in ecclesia sancte Helene unanimiter convenerunt; et inito consilio prius circa ordinationem fori & stallorum, quod predicti abbas & conventus a tempore cuius contrarii memoria non existit possidere dinoscuntur, interrumpere nitebantur; quod quidem consilium opere compleverunt, scilicet stallos et loca mercati auctoritate propria amovendo, & de dictis stallis ad eorum libitum disponendo. Predictis vero abbati & conventui minas spoliationis & mortis terribiliter fulminabant; quibus iniuriis

¹⁹ MS. *Glostinevyle*.

²⁰ MS. *Glostinevile*.

²¹ Perhaps the original was *Blakesole*; it is now 'The Sole'.

²² MS. *Gorewardeskote*. Roger of Borewardeskote was archdeacon of Wiltshire; see *Cartulary of St. Frideswide*, i. 295 (Oxford Hist. Soc.).

²³ 20 April.

cognitis & intellectis abbas & conventus seipsos & ecclesiam infra septa monasterii defendere satagebant. Die vero Mercurii sequente dicti villani in ecclesia sancte Helene, communi campana pulsata, circa mediam noctem iterum convenerunt, tractantes qualiter possint contra monasterium suam malitiam adimplere. Mane autem facto novam domum, que vulgariter pe Geldhalle dicitur, in medio ville situatam combusserunt, parietes totaliter destruendo, predicteque abbacie gravem insultum dederunt, abbatem tunc absente, portam ecclesie sancti Nicholai contiguam ignibus absumendo. Quidam vero seculares qui ad tuitionem monasterii fuerant deputati, apertis ianuis, dictis malefactoribus in villam obviam exierunt, habitoque inter eosdem magno conflictu duo ex parte ville sunt occisi & reliquis in fugam conversis & multis aliis, viz. Iohanne Bolter, Iohanne Bishop, Willelmo Poeny, magistro Mauricio cum aliis plurimis captis & in abbacie carcere mancipatis, quosque de huiusmodi malefactoribus per iusticiarios domini regis aliud contingeret ordinari. Tandem per homines abbacie proclamatione ex parte domini regis in medio ville pervulgata, ut si quis de huiusmodi malefactoribus ad pacem domini regis se reddere vellet, illesus accederet; quo audito multi ad pacem se spontaneo obtulerunt. Abbate autem tunc ad monasterium accedente, aliqui de dictis mancipatis per fidedignos sub salvo plegio fuerunt de abbatis custodia liberati.

Die vero dominica proxima sequente, in crastino sancti Marci evangeliste,²⁴ circa mediam noctem tota communitas Oxonie, maior & alii burgenses cum multis scholaribus, vi armata & luminibus accensis, per procuracionem hominum Abbendonie, manerium de Northcot²⁵ & domos tenentium combusserunt, & intrantes villam Abbendone horribiliter clamaverunt. Postea ad portam abbacie insultum dantes, vociferando, lapidando, sagittando, ignem apponendo, multa enormia perpetrabant, insuper portam hospitalis sancti Iohannis incenderunt, ubi sperabant introitum. Sed qui intus erant resistentes, se usque ad solis ortum viriliter defenderunt. Mane autem facto ecclesiam sancti Nicholai frerunt; alii vero in manerio de la Bertone²⁶ ignem apposuerunt; & sic per ecclesiam sancti Nicholai & per pitanceriam ministri diaboli undique sunt ingressi. Quos vero malefactores de villa sub salva custodia detinebat dictus abbas, ipsi auctoritate propria liberabant. Postea interiorum & exteriorum portam incendio consumentes, aperte sic ianue Satane satellitibus patulum prebebant ingressum. Edmundus autem de la Beche²⁷ ductor & fautor & omnium malefactorum coadiutor primus cum reliquis ecclesiam ingressus caput & brachium cuiusdam monachi senioris fere amputavit, & sic dicta ecclesia per talem violentiam sanguine est polluta. Fratribus quibusdam ultra Tamisiam fugientibus & fere submersis²⁸ quibusdam ad summum altare mortem ut putabant expectantibus percussis & vulneratis, reliqui cum abbate nimio dolore percussi, in fugam sunt conversi. Postea dicti malefactores thesauriam ecclesie ingressi, vestimenta, capas, & calices, libros, & omnia ecclesie ornamenta sacrilege asportabant; etiam in pixidem ubi sacra eucharistia fuerat recondita manus mittere nullatenus formidabant. Deinde thesauriam abbatis ingressi, munimenta abbatis, cartas, obligationes, defesancias, rotulos computorum & curiarum, & omnes alias mona-

²⁴ 26 April.²⁶ MS. *Gertone*; it is now Barton.²⁵ Now Northcourt.²⁷ MS. *Deche*.²⁸ MS. *Subuersis*.

sterii evidencias quas poterant invenire publice in curia domini abbatis incendio consumperunt. Munimenta etiam magnatum, que tempore guerrarum, que inter Saxones in regno paulo ante habebantur, pro magna securitate & salva custodia in monasterio fuerunt deposita, simul cum reliquis ecclesie cartis, nequiter combusserunt. Et insuper seruras in dormitorio, refectorio, in infirmaria, carolas in claustris & librorum armariolas, coquinas abbatis & conventus cum landario necnon omnes seruras in officiis obedienciariorum fregerunt, et quicquid alicuius valoris in monasterio repertum fuerat, ad libitum asportabant. Equos vero omnes abduxerunt, nichil mobile in monasterio relinquentes, quod tangere possunt, sicut illorum placuit voluntati.

Die vero Lune proxima sequente communitates Abendonie & Oxonie, fere tria millia hominum pro magna parte armatorum, cum domino Philippo atte Beche²⁹, Iohanne & Edmundo atte Beche³⁰ in sylva de Baggele³¹ convenerunt, mittentes pro priore & paucis de conventu qui domi remanserant, ut illuc accederent, de pace & concordia tractaturi. Protinus accesserunt ad predictam silvam prior Robertus de Haultone, Reginaldus de Okke precentor & Thomas Hakeburne, nimio timore concussi, asserentes ad ea que vellent³² in omnibus se paratos. Tandem propositis ex parte dictarum communitatum³³ plurimis articulis, videlicet de relaxatione totius iuris quod abbas & conventus in villa Abendonie titulo ex donatione regali a tempore cuius contrarii memoria non existit tenere & possidere solebant, omnem³⁴ actionem, iniuriam, demandam seu obligationem ratione violentie & spoliacionis supradicte abbati & conventui competentem vel competere valentem³⁵ relaxari & quietum clamari petierunt, ac etiam dictam relaxationem corporali iuramento fiducialiter confirmari, dicentes & in publico protestantes quod nisi hec omnia concederent & pro rato haberent eos & omnes fratres domi existentes decapitarent, ecclesiam & totam abbatiam destruerent, omniaque maneria ad dictum monasterium pertinentia concremarent. Dabant tum humilem responsum prior cum fratribus supradictis quod hec omnia quantum in iis fuerat libenter concederent, & omnes fratres domi existentes pariter & absentes ad ratificandum inducerent iuxta vires. Die autem Martis proximo sequente certe persone de predictis communitatibus ad hoc specialiter deputate cum notario publico in capitulo dicti monasterii comparentes, & lectis articulis & aliis quamplurimis coram priore & reliquis fratribus, eos articulos omnes & singulos in modum cartarum redigi & sigillo communi imperant consignari. Insuper quatuor proposuerunt obligationes in quarum qualibet cautum fuit prefatum abbatem & conventum sigillatim dictis communitatibus in mille libris esse obligatos, solvendis eisdem in festo Assumptionis beate Virginis proxime sequente, nisi dictus abbas infra idem tempus ad monasterium rediret & supradictis articulis sigillum suum apponeret & quicquid actum fuit per priorem et conventum integre confirmaret; quibus articulis sigillo communi consignatis, priorem & confratres, professos & non professos, tactis sacrosanctis evangelis iurare

²⁹ MS. *Deche*. Philip de la Boche was sheriff in 1313 and 1330. The family held Aldworth, Berkshire.

³⁰ MS. *Deche*.

³¹ MS. *Daygele*.

³² MS. *adcoque velle*.

³³ MS. *dictorum comitatuum*.

³⁴ MS. *ac omnem*.

³⁵ MS. *volentem*.

compellabant, quod nullus eorum seu aliquis eorum nomine vel procuracione³⁶ contra dictam conventionem verbo vel facto veniret, seu venirent quovismodo, nec super iure eorum seu iniuria in curia regali vel aliunde ad eorum remedium aliquid impetrarent. Super quibus omnibus notarius tunc presens fuerat requisitus ut publicum conficeret instrumentum. Medio vero tempore per homines Abendonie & Oxonie monasterio & monachis & eorum tenentibus de die in diem multa gravamina sunt illata. Quinto decimo die proximo tunc sequente per venerabilem fratrem sancti David episcopum, ad instanciam prioris & aliorum de conventu, ecclesia fuit reconciliata & ad statum pristinum pro multis enormiis & pollutione sanguinis restituta.

Audiens autem abbas per internuntios totam materiam supradictam versus regem properavit, sibi exponens sui monasterii desolationem & regie supplicans dignitati ut ecclesie que suo patronatui subiacebat pro iniuriis sibi illatis dignaretur secundum leges regni sui de congruo remedio providere. Dominus autem rex presentibus tum multis magnatibus istam materiam plurimum ponderavit & abbati annuit quod rogavit, promittens se per deliberationem sui concilii quod petierat impleturum; et statim litteras sue protectionis ad proclamandum in comitatibus Berk' & Oxon' vicecomiti & aliis suis fidelibus destinavit, harum seriem continentes:—Edwardus dei gratia &c. Cuius littere Oxonie & Abendonie per vicecomitem facta proclamatio emulos terruit supradictos & eorum malitiam compescuit pertinacem. Eodem anno die dominica proxima ante festum apostolorum Simonis & Iude per preceptum domini regis & regni magnatum ad monasterium suum rediit abbas supradictus, comitantibus cum eo multis nobilibus ad abbatis protectionem specialiter deputatis, viz. domino Iohanne Matrevers, &c., cum plurimis etiam armigeris de comitatibus Berk', Oxon', Wilton, & multitudine copiosa sagittariorum de foresta de Windsore, Bernewode, Shotore, & Chilterne & multis aliis pro pace³⁷ congregatis. Hi omnes apud Offinctone ad abbatem congregati, eum ad suum monasterium honorifice perduxerunt. Quibusdam de malefactoribus supradictis de villa recessis, quibusdam aliis in villa latitantibus, multi alii per ministros regis attachiati ad castrum de Walingford sunt perducti. Sedente postea apud Walyngford iustitiario, duodecim de predictis malefactoribus fuerunt suspensi, & in eodem sexaginta plures fuissent damnati, nisi abbas pietate motus Egidium Pageham suum armigerum cum breve de supersedeas ad iudicem citius destinasset. Abstulerunt predones hi a monasterio de Abendone centum psalteria, 40 missalia, 100 gradalia, 12 codices, 10 decretalia, 10 calices, 20 vestimenta alba, 60 capas, 40 casulas, thuribulum & candelabra de argento, 6 cyphos de auro, 40 cuppas de argento, 100 pecia argentea, 40 coclearia de argento 200 mazereas, 100 carcosia bovina, 1000 carcosia multonum, 300 bacones pannos lineos & laneos ad valorem m. librarum, preter catalla domus & ecclesie & ipsius abbatis ad valenciam m. librarum.

De Iohanne Sutton abbate, qui a conventu suo accusatus est de materia discordie, cuius articulos continet hic libellus:—

Coram vobis, venerabilis pater, domine episcopo Sarum, qui nuper

³⁶ MS. *procuracionem*.

³⁷ MS. *Per pacem*.

exercuisti officium visitationis apud monasterium de Abbendone generalis³⁸ tam in capite quam in membris, dicimus & proponimus nos frater Odo de Subbertone, Robertus de Auletone, Ricardus de Elstone, Iohannes Sassington monachi eiusdem monasterii, quod licet abbas noster, dominus Iohannes de Suttone, frequenter per nos & confratres nostros monitus fuerit caritative, semel, secundo, testibus adhibitis, servato plene iuris ordine qui in tali casu requiritur, quod bona monasterii nostri non consumeret nec dilapidaret, que prius contra debitum officium professionis & susceptę administracionis nimis excessive consumpsit & dilapidavit, videlicet cum in prima sua creatione monasterium nostrum ere alieno totaliter exoneratum ac maneria ecclesie nostre sufficienter instaurata, et in pecunia numerata CCC marcas per abbatem defunctum dimissas, & in localibus ad estimationem C marcarum, ac XXXII saccos lane precii CC librarum & amplius inuenisset, et preter consueta recepta pecuniam non modicam videlicet de corrodiiis venditis CCCli., et de quodam tallagio inconsueto exacto ab homagio LXXli., et de bosco vendito cli. et amplius, & de portione conventus in pecunia numerata XXIIIli. xvs., et de subtractione pitanciarum, prebendarum, & aliarum consuetudinum ad conventum spectancium CC libras, & de centum saccis lane venditis pre manibus CCC libras ad damnum ecclesie nostre CCC librarum, & de subtractione indumentorum & alimentorum conventus in anno presenti ad estimationem CC librarum & amplius, & de mutuo a diversis³⁹ accepto C libras, preter alia quamplurima debita particularia conventui prorsus incognita recepisset, & in hiis omnibus ecclesia nostra adhuc per factum suum remanet obligata; idem tamen abbas predicta omnia cum aliis bonis monasterii nostri mobilibus & immobilibus indebite consumpsit, distraxit, & alienavit, ac eadem inconsulte administrando monasterium nostrum quasi ad irreparabilem ruinam deduxit; vendidit enim blada ecclesie nostre circa festum sancti Michaelis cum hoc necessitas non exegisset, & tempore carioris annone cum duplo vel triplo precio per suam indiscretam providentiam bladum aliud comparuit. Idem etiam abbas caristia quam cunctis sane mentis facile providere poterant⁴⁰ dedit Agathe nepti sue C marcas ad marriagium suum de bonis communibus monasterii auctoritate propria sine voluntate & consensu conventus. Item cum a domino rege, dudum apud Saunford transitum faciente, abbas predictus de omnibus ecclesie nostre cartis & privilegiis confirmandis, de habendo etiam in feodali firma hundredum de Okke quod multum valuisset ecclesie nostre gratiam obtinuisset, gratiam tamen respuens, libertatem ville habendam, quam semper conventus possederat, in nullo ecclesie sue proficiens immo eam potius gravans, opposito brevi regio impetravit.⁴¹ Idem etiam abbas ecclesiam suam per corrodia vendita circa medietatem iusti pretii etiam tantum oneravit quod bona monasterii ad satisfactionem eorundem sufficere non poterint⁴², & (quod

³⁸ MS. *generale*.

³⁹ MS. *dimissis*.

⁴⁰ This clause seems to be misplaced. Perhaps we might conjecture 'exegisset, caristia quam . . . poterant imminente, & tempore . . . comparuit. Idem etiam abbas dedit', &c.

⁴¹ If such a grant was made, it was not entered in the Charter Roll of Edward II.

⁴² *sic*.

heu proh dolor magis dolendum) hospitalitas & alia opera caritatis propter insufficientiam indebite subtrahuntur. Idem etiam abbas ecclesiam suam enormiter lesit⁴³ in venditione centum saccorum lane, destructione nemorum notoria, quorum pecuniam sic receptam nunquam in utilitatem ecclesie nostre convertebat. Idem etiam absque consensu capituli⁴⁴ corrodium quoddam filio Walteri⁴⁵ Burgey de Sottone ad terminum vite eiusdem concessit & domum quamdam in cemeterio ecclesie nostre cum uno magno corrodio Iohanni Moigne de Clifton, cadens in constitutionem Octoboni, Concilii Oxonie, & illius capituli in constitutione Clementis Pape. Idem etiam abbas concessit Henrico Parcario de Radele servicium de parco in feodo, ubi prius fuerat temporale, in exheredacionem ecclesie nostre. Item Iohanni Rous de Sottone ad terminum vite tradidit duas virgatas terre de manerio de Milton; item magistro Petro Coco xx acras de eodem manerio apud Drayton; item Henrico subcamerario abbatis terram rusticalem apud Wottone libere tenendam; item vicario de Codesdone⁴⁶ quasdam acras terre de dominio manerii auctoritate propria & sine consensu capituli⁴⁷. Idem etiam abbas modum antiquum & consuetudinem in collatione robarum & pensionum per xl marcas & amplius annuatim excedit, quas auctoritate propria talibus confert qui utilitatem monasterii nostri in nullo procurant sed potius eadem impediunt & statum conventus ac famam depravare nituntur. Et hec predicta ita notoria sunt quod nulla possint tergiversacione celari, & super hiis est publice diffamatus apud bonos & graves tam in villa de Abendon & locis omnibus circumvicinis quam in Universitate Oxonie, & igitur per omnes partes australes Anglie. Et idem abbas sic monitus secundum regulam evangelicam & omnem iuris canonici formam, ut se super hiis corrigeret ac deo & monasterio nostro quod multum leserat satisfaceret, cum dignatur reprobans nos, non curavit audire, nec apud eum cum duabus partibus totius conventus potuimus proficere ullo modo; unde non valentes tale domus detrimentum immo quam causam⁴⁸ urgentibus conscientiiis irreparabilem tolerare, vobis diocesano nostro & ordinario iudici et ecclesie nunc specialiter proponimus & denunciamus premissa omnia & singula, licet dicta sunt & proposita in vestra visitatione generali contra dictum Iohannem abbatem, et offerimus nos ista si necesse fuerit quod notoria sint ex abundantia probare, & petimus ipsum tanquam malum probatum & pessimum administratorem, qui in tantum domum nostram iam destruxit quod vix temporibus nostris reparabitur, ne totum confundat, a sua administracione totaliter amoveri, & probata summarie contra eum dilapidatione suspicione, quousque libet genus alienationis rerum temporalium domus, quousque discussum fuerit de veritate sue dilapidationis, sibi interdicti vestro officio mediante.

Timens vero dictus abbas super his articulis decretum episcopi, regem & magnates placavit muneribus, eorum auxilium implorando. Accusavit

⁴³ MS. *leam*.

⁴⁴ MS. *capituli*.

⁴⁵ MS. *Waltero*.

⁴⁶ MS. *Sodesdone*.

⁴⁷ MS. *capituli*.

⁴⁸ There is some error here; such a word as *ruinam* is required instead of *quam causam*.

enim dictus abbas erga regem & magnates Priorem & plurimos alios de conventu, quorum dictus Prior attachiatus fuit per dominum Hugonem le Spenser in monasterio Abendone anno regni regis tunc XIV, & coram rege et baronibus apud Westmonasterium pleno parlamento est productus, & per quorundam arbitrium videlicet comitis de Richmond, domini Hugonis le Spenser, domini Sar' episcopi, & abbatis Radingie nequiter fuit & callide condemnatus, & abbas per iudicium recuperavit totum suum clameum erga Priorem & conventum per arbitros supradictos pecunia suffocatos, et statim dictus Prior fuit abbatis iudicio commendatus. Postea accepit abbas omnia maneria conventus in manus suas, & eorum victum & vestitum, pittancias & alias monasterii bonas consuetudines sincopavit. Priorem vero Iohannem apud Culnham solus in custodia detinebat. Quodam autem tempore cum fortuna materiam recedendi Priori ministravit, nimio dolore perterritus fugit Abendoniam, ubi tempore non modico abbati & aliis suis emulis resistebat. Postea circa festum sancte Lucie⁴⁹ intravit abbatiam dictus abbas cum Iohanne Brymptone⁵⁰ vicecomite, domino Philippo atte Beche⁵¹, & domino Iohanne Beche⁵¹, magistro Roberto Aylestone tum seneschallo Abendonie cum plurimis aliis armatis cum magno strepitu & tumultu, & ceperunt Iohannem priorem hora & domo capitulari, et versus Schirborne deduxerunt, ubi fere per dimidium annum fuit sub arcta custodia mancipatus. Extitit illo die magnus gemitus & ululatio in conventu, 'Veni Creator,' merentes, cantantes multotiens in excelsis, & ieiunaverunt per totum diem usque ad vesperam in suis afflictionibus pro suo Priore & statu monasterii, dei auxilium implorando. Sequenti autem die conventus duos procuratores, fratres Ricardum Aldesley & Willelmum Rudeby commonachos dicti monasterii ad sedem apostolicam transmiserunt, ubi bullas quas optaverant impetrabant. Redeuntes autem a curia Romana dicti fratres in die Annunciationis beate Marie cum domino abbate Westmonasterii, cui executio bullarum extitit delegata, Abendoniam pervenerunt, & in capitulo Iohanne abbate tunc presente, mitrum & baculum & alias dignitates que abbati pertinebant totaliter sequestrabant. Abbatem etiam ab omni administratione temporalium & spiritualium suspendebant, Priorem vero ad statum pristinum revocando. Ordinavit autem abbas Westmonasterii Ricardum de Wynby suum monachum usque ad adventum Prioris monasterii nostri gubernatorem. Statim vero post capitulum abbas cum suis equum ascendens versus Tadmertone⁵² velociter properavit, ubi per mensem cum suo concilio moram traxit. Die autem Sabbati⁵³ ante festum apostolorum Philippi & Iacobi versus Pomporet ad regem iter arripiens apud Lilleburne defunctus est, & ad monasterium reductus ad ostium capituli sepelitur, anno regis Edwardi secundi xv° & anno domini 1322.

Versus de abbate Luca

Abbatis Luce fungatur perpete luce
 Spiritus, atque duce gaudeat ille cruce.
 Illi pura manus fuit et sermo bene sanus;
 Hunc puer, hunc sanus, hunc benedixit anus.

⁴⁹ 13 December 1321.

⁵⁰ MS. *Grymptone*.

⁵¹ MS. *Deche*.

⁵² Tadmerton in North Oxfordshire.

⁵³ Saturday, 28 April.

Non hunc carnalis dispersit cura feralis ;
 Mens pia plena bono, vox fuit alta sono.
 Hic erat ecclesie pia Martha, vicesque Marie
 Servabat die mentis amore pie.
 Ut sordes lane, mundane gaudia fame
 Spernit ; amorque dei semper inhesit ei.
 Auxit opes multas domini, terras quoque cultas ;
 Cum reliquis donis horrea plena bonis.
 Pervigili cura Roberti debita plura
 Reddidit abbatis providus⁵⁴ ille satis.
 Debita prefata sexcentis annumerata
 Marcis extiterant, que grave pondus erant.

De Ricardo primo⁵⁵ Anglie rege in vita Hugonis. Anno domini M CXCIX victoriosus rex Ricardus ictu baliste & iaculo venenato in Normannia letaliter vulneratur ; cui accessit Rothomagensis archiepiscopus dicens 'Age penitenciam & confitere peccata tua confidens in crucifixo, qui promptior est peccata dimittere quam tu peccatorum veniam postulare ; nam improvisa mors in ianuis te expectat'. Mox rex in verbis episcopi prorupit in lacrimas & accersito confessore cum magna contritione absolutionem meruit obtinere, precepitque sibi pedes ligari & in altum suspendi nudumque corpus flagellis cedi & lacerari donec ipse preciperet ut silerent ; cumque diu cederetur ad modicum preceptum siluerunt & iterum resumpto spiritu hoc⁵⁶ idem secundo et tercio, merentibus cunctis astantibus, in abundantia sanguinis compleverunt. Tandem in se revertens precepit viaticum sibi afferri & se velut proditorem & hostem contra dominum suum coniunctis pedibus fune trahi, acceptoque viatico cum magna cordis penitencia adjecit 'Misericordia dei magna est, que vult omnes salvos fieri ; iustitia tamen recta est que vult omne delictum flagellari & puniri ; verum in misericordia confidens & de iustitia timens lego corpus meum vermibus corrodendum & animam meam usque in diem iudicii igne purgatorii cruciandam in spe misericordie dei, in qua credo me posse salvari in illum diem'. Et his dictis modico tempore supervixit & expiravit.

Explicit extractus de Chron. de Abbendone rotular' ; 1606.

The Thirty-Seven Conclusions of the Lollards

THE Latin document now first published is an undated manuscript which may probably be assigned to the fourteenth or fifteenth century. The writing is on both sides of two sheets of stout paper, the upper measuring 11½ in. × 8¾ in., the lower 5¼ in. × 8¼ in. At one time the sheets had been pasted together, but the junction had become weak, and they have been stitched together with black thread of modern make. The paper is partly damp-stained ; in some places the edges are frayed and tender ; the ink has faded to a light brown. Nothing is known as to the

⁵⁴ MS. *prudens*.

⁵⁵ Probably Twyne's insertion.

⁵⁶ MS. *hic*.

history of this manuscript before November 1897, when it was purchased at a sale in London by Mr. J. J. Green of Godwyn Lodge, Clive Vale, Hastings.

The xxxvii Conclusions correspond to the chapter-headings of an English tractate now usually known as *Ecclesiae Regimen*. Of this work three manuscripts are in existence. One is at the British Museum, another at the Bodleian, the third at Trinity College, Dublin. It has no contemporary title, and is anonymous in its original form; but the Conclusions with which it deals are ascribed to Wyclif in a note, written apparently by a later hand, on a fly-leaf and repeated, in a different hand, on the leaf following: 'Elenchus contentorum in hoc codice Articuli xxxvii Johannis [Johannis on leaf 2] Wickliffe [Wyclefi] Anglicè.' This work, whose homogeneity was taken for granted, was edited by J. Forshall and published by Messrs. Longmans in 1851.¹ It is out of print, and copies are extremely scarce. The authorship was ascribed to John Purvey, Wyclif's follower and amanuensis.

Forshall's arguments for this are based on the close similarity between *Ecclesiae Regimen* and (a) the General Prologue to Wyclif's Bible,² (b) Purvey's Confession in 1400,³ and (c) Lavingham's collection of Purvey's Heresies.⁴ That Purvey had some connexion with the *Ecclesiae Regimen* seems highly probable. With regard to Lavingham's evidence, however, Forshall and Madden, and Shirley also, are mistaken. Richard Lavingham, a Carmelite friar, wrote a short account of Purvey's heresies *extracti de libello suo haeretico*. It is claimed that this heretical book is no other than *Ecclesiae Regimen*. Two facts will dispose of this identification. (1) Lavingham mentions marriage as one of Purvey's heresies, and alludes to seven heretical opinions found in his book; but there is no opinion of any sort

¹ Forshall prefixed the title, *Remonstrance against Romish corruptions in the Church, addressed to the People and Parliament of England in 1395*. Now at the end of the xii Conclusions of 1395 (the well-known series presented to parliament as the manifesto of the Lollard party) there is an allusion to 'another book' written in English (*... istae materiae . . . sunt tamen largius declaratae in alio libro, et multae aliae plures totaliter in nostro proprio langagio*), and this Forshall believed to be *Ecclesiae Regimen*. The identification, however, seems open to several objections. (1) There is a marked contrast both in spirit and subject-matter between these xxxvii Conclusions and the xii. It is difficult to think that they could both emanate in the same year from the same political party. If it were so then the more violent Lollards were warmly commending a manifesto put forward by the obviously more moderate section of their party. (2) Forshall supposes that the Latin series of xii was for the House of Commons, while the English tractate was for the House of Lords. On this point, however, see this Review, xxii. 292 ff. (April 1907), where Mr. Cronin maintains that the xii were presented to parliament in English, and afterwards translated into Latin. (3) There were several English tractates in existence at this period which have since been brought to light. Thomas Arnold's *Select English Works of Wyclif* appeared just twenty years after Forshall's edition of *Ecclesiae Regimen*; and among these the editor included an anonymous tractate to which he gave the appropriate title *The Rejoinder* (iii. 454). This tractate offers some striking parallels to the xxxvii Conclusions; and it must have been written before 1395.

² See Forshall and Madden's preface.

³ *Fasciculi Zizaniorum*, ed. Shirley, p. 400.

⁴ *Ibid.*, pp. 383 seqq.

about marriage laws in *Ecclesiae Regimen*. (2) A direct statement in Lavingham, ix. § 13, may readily be tested: *Item quod Christiani reges debent, &c., . . . per exemplum quod narrat Cestrensis libro vi. cap. 8 de Othone imperatore deponente Iohannem xii et instituente Leonem pro illo*. This is not alluded to in *Ecclesiae Regimen*; the only allusion to Cestrensis (Ranulph Higden of Chester) appears to be that in xxv. cor. 2, referring not to Pope John of Rome but to King John of England.

It may be disputed whether the newly-found manuscript contains merely a Latin version of the tractate's chapter-headings, or whether the tractate is a commentary on the xxxvii Conclusions, and again which is the earlier document; whether the manuscript is fragmentary or the tractate composite; and if the Commentary is later than the Conclusions, whether the Corollaries are a still later addition. A triple authorship could easily be supposed and would have something to support it. With regard to a dual authorship it is possible to speak more confidently. Several considerations seem to suggest that the tractate is not homogeneous, and that the xxxvii *Conclusiones Lollardorum* are the earlier portion. The inscription in the manuscript of the tractate would support this. At any rate the writer seems to have regarded the English as a translation. But the only evidence yet available is internal. Too much weight must not be given to the fact that every Conclusion in English is followed by some such phrase as 'This sentence is proved by', &c. If this occurred after each Conclusion only there would be a clear argument for the theory that the writer was supporting a known series of Conclusions; but it occurs several times with reference to statements made in the Corollaries also.

The chief argument for the priority and independence of the Conclusions rests upon the very striking difference, in tone and temper, between the Conclusions themselves and the rest of the tractate. If the same person wrote Conclusions, Commentary, and Corollaries he has lost his self-restraint at the end of every Conclusion. Contrast the wording of iii with cor. 2, where the omission of preaching is said to be worse than unnatural vice; or take vii along with cor. 2 (cf. xxvii, cor. 1), where it is suggested that tithes, &c., might be useful for the army, or for 'relieving lords out of debt'. In xv there is a guarded statement about the Eucharist, very unlike the treatment of that subject in the Commentary on this Conclusion and in xxvi, cor. 2. In xxix friendly counsel is given to the Friars Mendicant; notice the severe criticism in cor. 2. The Conclusions offer no parallels to the tractate's outcry against the 'Song and use of Salisbury' (xxxvii, cor. 1), and the 'yelling in churches and abbeys' (vii, cor. 3), or 'the feigned prayer or hideous yelling . . . in the conventicles of gluttons' (xxxiii, cor. 2). A remarkable feature of the Conclusions is that the Pope is not called Anti-

christ. This omission is supplied in the tractate frequently, with additional epithets such as 'Cursed Bishop of Rome', 'Lucifer', 'Devil incarnate' (xii, cor. 1; xv, xx, xxi, xxiv, cor. 2; xxv, cor. 2; xxvi, xxxv, cor. 1). The Conclusions are the work of a staunch Lollard with statesmanlike qualities of moderation and restraint. The rest of the tractate suggests the outpourings of a ranter.

Before finding the connexion between the Latin Conclusions and the tractate I had formed an opinion as to their nature and date. They seemed to represent views which Wyclif himself had held, but had forsaken for others less restrained; that they reflected a Lollardism which had adherents in the closing decades of the fourteenth century; and that certain facts pointed to c. 1383 as the time of their appearance.⁵ This question of the date is now complicated by the connexion between the manuscript and the tractate; and its discussion lies outside the scope of this paper, the object of which is to introduce the Latin document to students interested in the Lollard period.

The Latin Conclusions are printed below, side by side with the corresponding portions of the tractate. The transcript was made by Miss A. F. Parker (now Mrs. New) of Oxford, and it has been revised with the help of the late Dr. Collins, Bishop of Gibraltar, and by Mr. Hall, of the Public Record Office. The text of the tractate I have revised from the original in the British Museum (Cotton MSS. Titus D. i.), restoring the letters *p* and *z*, the abbreviations (indicated by italics), and the original punctuation. Words not represented in the Latin are printed in smaller type. In the Latin a few capital letters and punctuation marks have been added as a help to the reader, but the medieval spelling is retained.

H. F. B. COMPTON.

CONCLUSIONES LOLLARDORUM

The first article

1. Sacerdotes, levite, vel curati non debent seculariter dominari, sic intelligendo quod clerici non seculariter bellabunt nec placitabunt nec contentent seculariter contra dominos seculares, auferentes ab eis dominia temporalia, possunt tamen clerici habere bona temporalia, titulo elemosine, solum de quanto sunt necessaria vel utilia ad perficiendum officium spiritale.

preestis dekenis opir curatis shulden not be lordis bi worldli manere to þis undirstondinge: þæt preestis & clerkis shulden not fize bi material swerd. neipir pleete neipir stryue bi worldli manere aȝens temporal lordis. takinge awei fro hem seculer lordshipis. nepeles clerkis moun haue temporal godis bi title of almese. oenli in as moche as þei ben nedeful or profitable to parforme here gostli office.

⁵ e.g. *Bellabunt* in i suggested Bishop Spencer's Crusade in 1383, or the same fighting prelate's repression of the Peasants' Rising in 1381.

2. Prelati, sacerdotes, vel diaconi non habebunt officia secularia, ut puta Cancellariam, Thesaurariam, cum secreto sigillo et aliis in curia secularium dominorum.

3. Prelati et curati ostendent exempla sancte conversacionis et veraciter predicabunt evangelium opere et sermone.

4. Prelati vel curati nimis avari et consumentes bona Ecclesie quae sunt bona pauperum in fastu, gula, vano apparatu mundi, cum aliis vanitatibus, sunt fures, homicide pauperum, et proditores Iesu Christi et simplicium christianorum.

5. Prelati, curati, vel sacerdotes, vel quicunque clerici non committent symoniam per preces carnales, per obsequium corporale, nec per munus a manu vel pecuniam manualiter datam vel aliter promissam.

6. Ecclesie parochiales non debent appropriari seculariter collegiis et maxime religiosis divitibus ut vulgariter fit hiis diebus per mendacia et errores.

7. Populus christianus informatus in lege Dei per fideles curatos ministrabit eis voluntarie necessaria huius vite, et cum hac porcione fideles curati debent humiliter contentari.

ii. art.

Neipir prelatis neipir preestis neipir dekenis shulden han seculer officis. pat is chauncerie. tresorie. priuy seal & opere sicke seculer officis in pe chekir. neipir be stewardis of londis ne stewardis of halle. ne clerkis of kitchene ne clerkis of accountis. neipir ben occupied in ony seculer office in lordis courtis. most whil seculer men ben sufficient to do suche seculer officis.

iii

Prelatis & preestis as curatis owen to sheewe to pe puple ensauple of holi lyuyng & to preche truli pe gospel bi werk & word.

iv. art.

Prelatis opir curatis pat ben ouir gredi & auerous & wasten pe godis of pe chirche. pat ben pe godis of pore men in pride glotonie & lecherie & nice arai of pe world wip oper vanitees: ben peuis & sleeris of pore men & tretouris of iesu crist & of symple cristene men.

art. v.

Prelatis curatis & preestis or what euere clerkis: shulen not do symonie bi fleshli preieris neipir bi bodili seruise neipir bi zifte of hond or bi mony zowe bi hond or bihiht by hemsilf or bi meene persoonis.

art. vij.

Parish chirchis shulden not be appropriid seculerli to collegijs. & most to riche religious as it is don comounli in pese daies bi leesyingis & errouris.

vij. art.

Cristene puple enformid in goddis lawe bi feipful curatis: owip for to mynistr & geue to hem wilfulli necessaries of pis lif. And feipful curatis owen to be apaied mekeli wip pis porcioun.

viiij. art.

8. Necesse quod peccator confiteatur Deo cum debita contricione, abstinendo a peccato et continuando in virtute quantum sufficit per gratiam sibi datam.

It is nedeful pat a synnere shryve him to god wip due contricioun in absteynyn fro synne & in continuyng in vertu. as moche as he suffisip bi grace ȝouen to him.

ix. art.

9. Sicut expedit christiano contrito confiteri sua peccata fidei et discreto sacerdoti scienti solvere et ligare, sic periculosum est ignaro et simplici confiteri peccata sua sacerdoti infideli, inscio, et avaro, superbo, et contrario Ihesu Christo.

As it is spedeful to a cristene man verili contryt to knoueleche his synnis to a feipful preest of good lyuynge & kunnyng to bynde & assoile: so it is perilous to an vnkunnyng man eiper symple lettrid man to knoueleche his synnis & privy worchingis of god in his soule to a preest vnfeipful of lyuynge unkunnyng of goddis lawe & a couetous preest & proud & contrarie to jesu crist.

x. art.

10. Licet ymages que representant pauperiem et passionem Christi et sanctorum esse possunt ut 'libri laicorum' secundum Gregorium et alios, tamen ymages false que representant gloriam mundanam et pompam seculi, ac si Christus et alii sancti meruissent beatitudinem per gloriam et pompam seculi, sunt 'libri' falsi et corrigendi vel eciam comburendi.

Douȝ ymagis maad truli pat representen verili þe povert & þe passioun of ihesu crist & opere seyntis ben leful & þe bokis of lewid men bi gregori & opere doctouris: nepeles false ymagis pat representen worldli glorie & pride of þe world as if crist & opere seyntis hadden lyvid þus & deservid blisse bi glorie & pompe of þe world ben false bokis & worpi to ben amendid or to be brent. as bokis of opin error or of opin eresie agens cristene feip.

xj. art.

11. Officium regis et domino-
rum secularium quod sufficienter
fundatur in Scriptura sacra Novi
et Veteris Testamenti est excellenter
magnificandum reprobando errores
et iniurias quas reges et domini
faciunt in huiusmodi officio contra
legem Domini Dei nostri.

þe office of þe king & of þe
seculer lordis which is founden
sufficientli in holi scripture of þe
olde & þe newe testament: owip
to be magnified excellentli in
repreuynge þe errouris & wrongis
whiche þe king & lordis don in
suche officis agens þe lawe of god.

xij. art.

12. Predicandum est et constanter
defendendum a catholicis presbi-

It is to preche & to defende
stidefastli of cristene preestis &

teris et christianis laicis quod reges Christiani et domini seculares habent potestatem et auctoritatem puniendi quamcunque personam notorie delinquentem in terris suis, eciam Episcopum, Archiepiscopum et Romanum Pontificem.

13. Quamvis licitum sit in casu et interficere malos Christianos in peccatis obstinatos quando alias periret insticia [et]¹ pax regni nec aliter peccatum extingueretur via humana, tamen hoc non debet fieri nisi ex caritate et auctoritate Domini cum aliis circumstanciis, deducta superbia, rancore, et vindicta proprie iniurie ita quod fit pure propter Deum et bonum commune cum compassione fraterna.

14. Quamvis licitum sit iurare per Creatorem in causa necessaria cum tribus circumstanciis, scilicet in veritate, in iudicio, et iusticia, ut patet Ieremie 4, 'Et iurabis, vivit Dominus, in veritate, in iudicio et iusticia,' tamen non licet iurare falsum, nec verum superflue, nec malo fine nec eciam per creaturam.

15. Sacramentum Eukaristie, visibile et palpabile, album et rotundum, quod manibus frangitur et dentibus teritur sacerdotis, est panis quem frangimus et corpus Domini nostri Ihesu Christi.

16. Non est potestas nisi a Deo nec Papa habet potestatem contra veritatem Scripture sacre nec potest licite aliquid agere contra edificationem Ecclesie.

trewe seculer men. *pat* þe king & seculer lordis han power & auctorite to punshe what euere *persoone* trespassinge opinli in here londis. þouȝ he be biisshop or erchebiisshop. ȝea & þe biisshop of rome.

xiiij. art.

Þough it be leful in caas to werre & sleen euere cristene men obstinat in synnis whanne rȳtfulnesse & pees of þe rewme shulde perisschen ellis : & synne shoulde not be quenched ellis bi mannis weie : nepeles þis owip not to be don no but bi charite & auctorite of god wip good *circumstaunce* while pride & rancour & veniaunce of *propre* wrong ben put awei so *pat* it be do pureli opir clenli for god & comoun good wip due compassioun of briþeren.

art. xiiij.

Þough it be leful to swere bi god almyȝti in a nedeful cause wip þe *circumstauncis* in truþe doom & rȳtfulnesse in þe iiij c. of jeremie : nepeles it is not leful to swere fals neipir trewe superflui opir in veyn neipir for an euil ende. neipir bi a creature.

xv.

The sacrament of þe auteer. which is whȳt & round visible & palpable. & is broke wip þe hondis of a preest. & is chewid wip þe teep of a preest. & is seien wip þe bodili ȝen of þe puple : is breed which we breken. & þe verri bodi of oure lord jhesu crist.

art. xvj.

No power is but of god neipir þe pope haȝ power aȝens þe truþe of holi scripture. neipir mai lefulli do ony þing aȝens edificacioun opir profyt of holi chirche.

¹ Words bracketed have been supplied where the paper is torn.

17. Leges Pape sunt bone et a fidelibus acceptande solum de quanto fundantur expresse in Scriptura sacra vel vivaci racione vel de quanto facilitant ad intellectum Scripture vel observacionem mandatorum Dei.

18. Obediendum est Romano Pontifici vel alteri cuicunque sicut beato Petro vel beato Paulo in licitis et edificatoriis et non ultra.

19. Non tenentur fideles credere quod Romanus Pontifex nunc militans vel quicunque modernus habeat tantam potestatem in regimine Ecclesie quantam habet beatus² Petrus vel beatus Paulus a Domino concess[am].³

20. Non tenentur fideles credere quod Romanus Pontifex nunc militans est caput universalis Ecclesie militantis.

21. Non tenentur fideles credere quod Romanus Pontifex nunc militans est membrum et minimum sancte Ecclesie Dei.

22. Non tenentur fideles credere quod quicquid Romanus Pontifex vel alius quicunque nunc militans pretendit se ligare vel solvere est ex hoc ligatum vel solutum apud Deum et Ecclesiam triumphantem.

art. xvij.

þe lawis of þe pope ben gode & owen to be taken of feifful men. oonli in as moche as þo ben foundid expresli or opinli in holi scripture or in quik reesoun þat mai not be distried. or in as moche as þo ben maad esi to vnderstonde holi scripture & to kepe goddis heestis.

xviij. art.

It is to obeie to þe bisshop of rome opir to what euere opir bisshop. as to seynt petir or to seynt poul in leful pingis & spedeful to saluacioun & no ferþere.

xix. art.

Cristene men ben not holden forto bileue. þat þe bisshop of rome þat lyuip now in deadli lif. opir what euere deadli bisshop: hap so greet power in þe gouernaunce of þe holi chirche. hou greet power petir eipir poul had grauntid of god.

xx.

Cristene men ben not holden forto bileue. þat þe bisshop of rome now lyueþ in þis peyneful lyf: is heed of al holi chirche in erþe.

xxi. art.

Cristene men ben not holde to bileue þat þe bisshop of rome þat leuyþ now in þis synful lif: is a membre of holi chirche. ȝea þe leeste membre of holi chirche.

art. xxij.

Cristen men ben not holden to belieue. þat whateuere ping þe deadli bisshop of rome or ony opir deadli bisshop pretendip him to bynde or assoile: is herfore bounden or assoilid anentis god & þe chirche regninge in blisse.

² *Beatus* written twice and scored through the second time.

³ MS. torn.

23. Tunc solum Romanus Pontifex vel alius quicumque veraciter ligat vel solvit quando sequitur iudicium Dei infallibile.

24. Non tenentur fideles credere quod Indulgentie papales sunt vere undequaque⁴ vel sine errore vel mendacio tacito vel expresso.

25. Non tenentur fideles credere sine⁵ . . . fundacione Scripture vel rationis infallibilis quod Petrus habuit maiorem potestatem ligandi et solvendi quam ceteri apostoli a Domino predilecti.

26. Non tenentur fideles credere quod omnis determinacio Ecclesie Romane est undequaque⁴ vera vel ab Ecclesia tanquam articulus fidei capienda.

27. Qu⁵ . . . Pontifex⁵ . . . qui propter superbiam vel lucrum temporale vult⁵

⁵ . . . preter et contra intencionem dominorum vel fundatorum⁵
a seculari brachio processerunt, hic superbus predictus Pontifex Romanus perturbator est Episcoporum et aliorum prelatorum et tocus regni nostri, nam manifeste agit contra decreta antiqua Ecclesie que dant electionem archiepiscopis omnibus suis suffraganeis ut inter ipsos eligant meliorem et sic archidiaconus cum cleris et populis

art. xxij.

Þanne oonli þe bisshop of rome or oony opir byndip or assoilip verrili : whanne he sueþ þe doom of god bifore goinge þat mai not faile.

xxiv.

Cristene men þen not holden forto bileue. þat þe indulgencis of þe pope þen trewe on eche side or wipouten errour or leesying open or preuy.

xxv. art.

Cristene men þen not holden forto bileue wipouten opin groundinge of holi scripture or of reesoun þat mai not faile. þat seyat petir hadde more power of byndinge & assoilinge : þan opere apostlis gretli loud of crist.

xxvi.

Cristene men þen not holden forto bileue þat ech determinacioun of þe chirche of rome is trewe on ech side : opir to be taken of holi chirche for an article of bileue.

xxvij. art.

If a newe couetous bisshop of rome risip up which for pride or temporal lucre wole zeue at his likinge alle benefecis in þe hond of clergie. & make voide fre elecciouns & ordinauncis of þe clergie of oure rewme bi title of patronage bisidis & aȝens entent of foundouris & seculer lordis. which elecciouns & ordenauncis of patronagis camen forþ of seculer lordis. þis proude bisshop of rome is a disturblere of bisshopis & of opere prelatis & of al oure rewme. for he dop opinli aȝens elde decrees of þe chirche. þat zeuen þe chesigne of þe erchebisshop to alle his suffragans to chese þe beste among hem & þe erchedekene wip clerkis & puple of

⁴ ? undecunque.

⁵ MS. illegible.

civitatis⁶ . . . debit⁶ . . . secundum canones inferiores curatos, ut patet in decretis.

28. Religiosi possessionati ut monachi et canonici viventes vitam pauperem et simplicem et quietam et contentari deberent parvo victu et vestitu proprio labore manuum adquisito secundum eorum regulam iuxta quam dicunt beatum Benedictum et beatum Augustinum religiosi huiusmodi statuisset, et in omnibus preferrent mandata Dei et consilia Christi propria statuta rationabilia acceptando solum de quanto consonant et faciunt ad custodiam mandatorum Dei et consiliorum Ihesu Christi omnia quam regula sua docet ita quod in omnibus salva sit veritas Evangelii et⁸ legis.

29. Fratres quadrifariam partiti qui vocantur religiosi mendicantes in Anglia debent reliquis religiosi humiliter, simpliciter, et a mundo elegancius⁹ vivere in voluntaria et altissima paupertate ita quod sint laicorum speculum in omni sanctitate ac abrenunciacione¹⁰ seculi et vanitatis mundane ipsos opere et sermone ad conversacionem celestem, humilem, et simplicem attrahendo.

30. Presbyteri simplices non beneficiati apud iudicium Ecclesie moderne debent contentari simplici victu et vestitu, devote orando et opera meritoria pro se et populo

pe cite shulen purueie lowere curatis.⁷

xxvij.

Religiose possessioneris as mun-
kis & chanons shulden lyue a
pore lif symple & in reste. & thei
shulden ben apaid wip scars
liflode & clopinge geten wip here
owne labour bi here privat rule
which pei seyn pat seynt benet &
seynt austin maden to suche reli-
gious men. and in alle pingis pei
shulden sette before pe comaunde-
mentis of god & pe counseilis of
crist. & accepte here owne statutis
reesonable oonli in as moche as
po acorden & disposen liztli to pe
kepinge of goddis heestis or of
pe counseils of ihesu crist. so pat
pe trupe & freedom of pe gospel be
saaf in alle pingis.

xxix.

Fris departid in foure ordris
pat ben clepid in Ingelond religiouse
mendycantus or beggeris: owen
to lyue sympliere & streitliere pan
opere religiouse. & furpere fro pe
world in wilful & excellent povert.
so pat pei be a mirrour of leewid
men in al holinesse & forsakinge of
pe world & of worldli vanite in
drawinge hem bi werk & word to
heuenli conversacioun meke &
symple.

xxx.

Symple prestis of pe chirche pat
han no benefis bi doom of pe
chirche now: owen to be apaid
wip symple liflode & clopinge in
preiynge deuoutli for hemsilf & pe

⁶ MS. illegible.

⁷ The Article seems to end here, but the commentary begins with the words 'Al pi is groundid in pe decrees'. Cf. the closing words of the Latin.

⁸ Apparently for *libertas*.

⁹ The manuscript is clear, but perhaps we should read *elongacius*.

¹⁰ Before *ac abrenunciacione* the words *et abrenunciacione* were first written and then scored through.

exercendo et quam sufficiunt operi evangelico intendendo.

puple. & in vsinge medeful werkis. & in zeuinge tent to werk of þe gospel as moche as þei suffisen.

xxxj.

31. ¹¹ Domini temporales debent excellenter ornari ut indui iusticia quo ad domini et homines ¹² divites et pauperes racionabiliter et caritative tractare tenentes et subditos et famulos vel nativos.

Seculer lordis owen to be ournid opir excellentli clopid wip ritzfulness to god & men boþe riche & pore. & to treete reesonabli & charitabli here tenauntis & sogetis & seruantis opir bonde men.

xxxiij.

32. Servi debent humiliter voluntarie et fideliter servire dominis suis non solum fidelibus sed etiam infidelibus et paganis.

Seruantis owen to serue here lordis mekeli wilfulli & feipfulli. not oonli to feipful or cristene lordis: but also to vnfeipful lordis opir paynymis.

xxxiiij.

33. Iudices et reges ministri debent esse maturi moribus et sciencia legis divine et humane et iuste iudicare sine acceptione personarum habendo oculum purum et simplicem ad Deum, postponendo odium et amorem, lucrum seu terrenum commodum et timorem.

Iugis & mynistris of þe king opir of opere lordis owen to be ripe men opir sad in vertuis & kunnyng of goddis lawe & mannys. & to deme iustli wipouten acceptinge of personis in hauyng pure & symple entent to god & in puttinge abak hatrede & loue. & erpeli wynnyng & worldli drede.

xxxv.

34. Prelati et curati debent cum summa deuocione, puritate consciencie, et ardenti caritate, conficere sacramenta Ecclesie et prudenter et libere ipsa populo ydoneo ministrare.

Prelatis & curatis & opere prestis owen to make þe sacramentis of holi chirche wip souereyn deuocioun clenness of conscience. & greet brennyng of charite & mynistr þo prudentli & freli to þe puple able herto.

xxxvi.

35. Quamvis mali sacerdotes possunt veraciter conficere omnia sacramenta et ipsa deuotis ministrare salubriter ministrare, tamen Christiani debent non suscipere

þouȝ euele prestis moun make þe sacramentis verili & mynistr þo helfulli to deuout men: nepeles cristene men owen not to resceyue sacramentis neiþir deyn seruiſe

¹¹ The faulty construction of the first half of this Conclusion compared with the English version would suggest that the latter represented a truer text. For *ut* and *domini* read *uel* and *dominum*.

¹² *Et homines* written twice and scored through the first time.

sacramenta a notorie symoniacis, fornicariis, et huiusmodi viciosis, non contempnendo sacramenta vel supponendo quod tales non possunt vere conficere sacramenta, sed in detestacione huiusmodi viciorum ut viciosi confundantur et agant penitenciam salutarem.

36. Prelati et domini temporales diligenter vigilarent ad constituendum ydoneos prelatos et curatos et presbiteros simplices non curatos secundum reputacionem Ecclesie moderne.

37. Secularitas in curatis ita quod unus accipiat omnes proventus Ecclesie sibi ipsi appropriate, et distribuatur ad votum, sive gerat debite officium sive nusquam, est omnino ab Ecclesia depellenda et commune regimen Ecclesie cum sustentacione evangelica sociorum ad opus evangelicum ydoneorum est humiliter et veraciter resumendum.

of opin symonientis lechouris or sicke viciouse men not in dispisinge þe sacramentis opir in supposinge þat suche men moun not make þe sacramentis verili: but for abhominacioun of sicke opin synnis. & þat sicke viciouse men be ashamid & do helpul penaunce.

xxxvij.

Prelatis & secular lordis shulden wake diligentli to ordeyne able prelati & curatis & symple prestis þat hauen not cure bi cours & demynge of þe chirche to dai.

xxxvij.

Seculerte among prelati & curatis so þat oon take propirli to hymself alle þe profitis of a chirche. & departe þo as hym likip. whepir he do truli þe gostli office or nai: owip to be cast out vtirli awei fro holi chirche & gouernail in comoun wip susteynynge of felowis bi forme of þe gospel þat ben able to performe þe office of þe gospel in good lyuyng & fro prechinge owip to be taken aȝen mekeli & truli.

'Pipes' of Rolls

A CLEAR proof of the correctness of the view that I advanced in the April number of this Review, that the 'pipes' of a roll of accounts were the individual membranes or strips of parchment, appears on the Lord Treasurer's Remembrancer's Enrolled Customs Accounts of the reign of Richard II, no. 14, f. 21, where we are referred for an account that ought to have been given before to the beginning of the next 'pipe' (*Vide in principio pipae proxime sequentis*): and, accordingly, at the top of f. 22, we have exactly the misplaced account. It will be noticed that the word 'pipe' is applied as well to the membranes of a customs account as to those of a pipe roll specially so called. I may mention that one of the accounting parties was one John 'Wylburghfosse', of Boston. This should be an early, if not the earliest, form of the honoured name of Wilberforce.

J. H. RAMSAY.

A Legend of Sigismund's Visit to England

THE Jesus College, Oxford, MS. 29, ff. 1-143, contains a *Chronicon Regum Angliae*, which begins with the reign of Edward the Elder and extends to 1445. A contemporary numbering shows that sixty-eight pages are lost at the beginning. All but the last leaf is written on paper; the final sentence for the reign of Henry V appears at the top of the last leaf (of parchment), and on the reverse there is written in the same hand a short notice of the reign of Henry VI, coming down to his marriage in 1445, and ending: 'Tunc dux Ricardus Eboracensis erat Regens Francie.' This seems to point to 1447 as the probable date of the compilation, after Richard's recall and before the loss of Normandy. The only part of the chronicle which I have examined is that for 1399 to 1445. This fills less than three leaves. It is not to be expected that a late compilation of this kind would contain much of value. It is clearly meant for a summary of prominent events set down without regard to chronology; it does not, however, seem to be borrowed directly from any extant chronicle. The coronation and the battle of Shrewsbury fill nearly the whole of the two pages devoted to Henry IV. One sentence is noteworthy with regard to the battle: 'aciebus hinc inde prope Salopiam in campo, qui Boleuelde dicitur, constitutis.' Dr. Wylie¹ quotes 'apud bellum de Bolefield in villa de Harlescot' from an Inquisition of 1416-17. A third instance of the name 'Bullefeld' occurs in a north-country chronicle in the Harley MS. 3600.

The account of the reign of Henry V is of no interest except for the final passage printed below. The idea that Sigismund came to England for the purpose of demanding tribute is of course sufficient to stamp the story as a late invention. But in the allegation that he sought to inquire by what title the English king held his lands we seem to have an echo of the earl of Ormonde's story that Humphrey of Gloucester met the emperor at Dover with his sword drawn, and did not suffer him to land till he had disclaimed any right to exercise imperial authority in England.² Ormonde's story was reproduced through the Translator of Livius by Holinshed,³ and so has become popular. It was given in a somewhat different form by Robert Redmayne,⁴ who relates that Sigismund was not allowed to land at Calais until he had given the required assurance to the earl of Warwick as captain of the town. John Rous⁵ relates that Sigismund

¹ *Henry IV*, i. 360.

² *First English Life of Henry V*, p. 67.

³ *Chron.* iii. 85.

⁴ *Memorials of Henry V*, p. 49.

⁵ Warwick Roll, in Strutt's *Manners and Customs*.

wished to give Warwick the heart of St. George, but that the earl declined, 'saying that the delivering of it by his own person should be more acceptable,' and that afterwards the emperor offered the holy heart himself at Windsor. The chronicle to which the reader is referred for an account of Sigismund's reception is probably *The Brut*.⁶ Since the tomb of Henry V was not finished till after 1438,⁷ the last sentence of this extract may indicate the late date of the chronicle. C. L. KINGSFORD.

Tempore istius Regis Henrici Sigismundus Imperator Romanorum venit in Angliam tributum petere a dicto Rege Henrico, et de quo tenebat terras suas diligenter inquirendo. Cumque hoc audisset predictus Rex extracto ense Imperatori dicit: Quod a nullo homine vel principe tenebat nisi per solum gladium. Quod Imperator audiens deinceps non petiuit tributum, set precipue desiderabat vt fieri posset Miles de la Garture; quod mox Rex concessit, et sic factum est. Postea dedit Imperator Henrico Regi cor sancti Georgii martiris, quod vsque hodie apud Wyndesore conseruatur et veneratur. Set quomodo Imperator receptus fuerit in Anglia in cronica legat, qui voluerit cognoscere, et ibi inueniet quomodo Rex per seipsum, duces, comites et barones, archiepiscopi, episcopi, abbates, et populi vtriusque sexus tam reuerenter et digno honore eum salutauerunt, et quomodo ad hospitium suum duxerunt. Rex vero Henricus anno Regni suo ix obiit in Francia et sepultus est apud Westm., iacens in tumba argentea et deaurata.

Cromwell and Sir Henry Vane

ONE of the charges Ludlow brings against Cromwell is that he endeavoured to force Vane into political compliance by legal oppression. After Vane's release from Carisbrooke in December 1656, says Ludlow, Cromwell, perceiving that imprisonment did not make Vane submit,

privately encouraged some of the army to take possession of certain forest walks belonging to Sir Henry Vane near the castle of Raby, and also gave order to the attorney-general, on pretence of a flaw in his title, to present a bill against him in the exchequer. This was designed to oblige him to expose his title, which if they could get done, they doubted not by the craft of the lawyers to find some defect in it, whereby it was hoped he would be forced into a compliance: yet at the same time he was privately informed that he should be freed from this or any other inquisition, and that he should have whatsoever else he would desire, in case he would comply with the present authority.¹

⁶ ed. Brie, pp. 380-1; see also *Chronicles of London*, pp. 124, 125.

⁷ Cf. *Cal. Pat. Rolls*, Henry VI, iii. 197.

¹ Ludlow's *Memoirs*, ed. 1894, ii. 30.

In the next generation, soon after the publication of Ludlow's *Memoirs*, an anonymous contemporary critic attempted to vindicate the Protector from this charge, accusing Vane of oppressing his tenants and neighbours, and stating that the Protector's government was obliged to intervene to protect their rights. The answer runs as follows :

Raby Castle was in the Crown, one of the finest royalties in the north of England, assigned King Charles with other lands when Prince of Wales, for the support of his family. When come to the Crown, the Parliament not supplying him to carry on the Spanish war, as they had promised both his father and self, he was obliged to assign it over to some citizens for a sum of money, giving them power to lett leases, &c. Old Sir Henry knowing this to be a considerable purchase, agreed with the citizens for their interest, and then got it confirmed to him by the King upon easie terms, we may well presume facilitated too by some under-valuings, for when entertained there in his expedition against the Scots, and finding a magnificent structure, according to that old way of building, he pleasantly told him, Sir Henry, 'This is more than a heap of stones.' When Cromwell gave the Rump their quietus, those few of them who had country seats retired thither, this Hen. the 2^d, his father being a little before dead, to Raby Castle ; where, because prohibited to do it any longer in his government, he tyranniz'd over his tenants and neighbours, obliging the former to take new leases, as not allowing those they had from the citizens ; and seiz'd upon an estate to the value of £200 per annum, which had been purchas'd by a charitable gentleman out of the Mannor and given to the parish of Stanthorp, for relief of the poor, support of the Free School, and repair of the Church ; with many such like arbitrary encroachments, according to the plenitude of his self-will'd power. The people we may imagine could not long brook such usage, but at length took so much courage as to petition Cromwell for relief, who referr'd it by especial recommendation to his Commissioners of the Seal, and they finding matter of fact true, did the tenants right, to the great dissatisfaction of this Lord Paramount.²

This answer does not touch the question of the validity of Vane's claim to the forest lands in question or the nature of the defects alleged to exist in it. However, there are in the Bodleian Library a couple of documents which elucidate the matter. One is a paper in the Carte MSS. (lxxiv, f. 15) which is endorsed 'Sir Henry Vane's answer concerninge his lands in the North. Novem. 6th, 1655'. The other is an opinion on the case, possibly by the attorney-general of the time, but it is neither dated nor signed, and is evidently a copy only. This is Rawlinson MS. A. lxi, f. 102, that is, it is one of the documents amongst Thurloe's correspondence which were not printed by the editor of his papers. What the final result of the inquiry was, or whether the case actually

² *Regrades No Saints*, 1700, 8°, pp. 99, 100.

came before the court of exchequer, the documents do not show. But they seem to prove that Ludlow's account of the matter is very far from being a correct representation of the facts.

C. H. FIRTH.

I

The forrest of Tisdale in the Bishoprick of Durham—to demand of Sir Henry Vane what grant he hath of it, or else to account for the profits of it for 15 years past.

Sir Henry Vane saith that the 2 Castles and the 6 parkes were granted to his father by a speciall grant, and not from the Cittye, which grant (if there be cause) he will produce.

For the forrest of Tisdale it is divided into 3 parts at 3·71¹/₂ ancient rent and severall tenements comprehended within those ancient rents, which he derives from the Cittye of London. Langdon chase and the common of many 1000 acres. There is a lodge called Wallens Lodge and other houses where the keepers lived heretofore. There is an enclosure called Tincklers meedow of about 100 acres for hay for the deer: This is that which is exep^ted in the cittye grant from the crowne, and of which he claimes only the Keepershipp. The other 3 divisions of the forrest is granted in terminis in the patent.

There are twelve score gates which are lett for 5^s each by the under Keeper.

II

May it please your Highnes.

Upon perusall of the letters pattents and records sent to me from Mr. Secratary Thurloe I doe finde the case in reference to Sir Henry Vane's pretence to the Forrest of Teasdale to be as followeth.

The late King Charles in the 4th year of his raigne granted to fower cittizens of London (amongst many other lands to the value of 12000^{li} per annum) All those lands and tenements with the appurtenances in Newboggin and Middleton or either of them within the Forrest of Teasdale within the dominion of Barnard Castle in the tenure of George Bowes &c., (except and reserved out of that grant, libertie and jurisdiction of Forrest and Chase, as to the Forrest of Teesdale and the Chase called Marwood hagg, And except all Forrests and Chaces, and all Parks now used and stored with deare, and there are also amongst many other smaller matters particularly excepted.

The Castle of Raby and three	{ East Park West Park Middle Park. all inclosed with stone walls.
Parks there called	

The spring and little Park adjoyning to the Castle walls conteyninge about tenn acres.

The Cony-garth and Warren in Raby Castle.

Barnard Castle and the severall liberties of retorne of writts &c. Jurisdiction of Forrest and Chace as to Teesdale Forrest, Marwood and

all Advowsons, Rectories, Mynes of gold and silver, the Warren and demesne lands belonging to the Castle.

Libertie of Forrest and Chace in Langley Forrest.

Three Parks within the dominion of Barnard Castle	{	Broad Parke Bronde Park alias Marrwood Park Colt Parke Wray Close, and some other small parcells of land, and many fee farm rents.
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[f. 102^b]
1 July
10 Car.

The cittizens of London afterwards in the 10th yeare of the said Kinge, bargaine and sell away part of the said Mannours and lands for 909*l*. 11*s*. 3*d*. to the said Sir Henry Vane and his heires, in which deede the same exceptions are recited and made, and as many fee farme rents upon that part of the lands by them sold amounts to 189*l*. per annum or thereabouts, besides some other rents alsoe excepted upon the King's first grant and not sold by the cittizens.

14 September
11 Car.

Afterwards Sir Henry Vane procures a grant from the King of the office of Master of the Forrests and Cheife Keeper of his Forrests and Chaces Parks and Warrens within the dominion of Barnard Castle in the Bishopricke or County of Durham, then or late parcell of the said dominion of the said Barnard Castle, To have to him and his heires males of his body after the death of William Bowes (then present keeper for his life) since deceased.

And the King by the said letters pattents further granted the keepership and office of Cheife Keeper of his Forrest of Teasdale and his Chase of Marwood-hagg, with the rights, liberties and appurtenances to exercise the said office by himselfe or sufficient deputy and fully as any keeper formerly had donne, and granted also the like fees and wages as to others formerly.

And in the said letters pattents, Sir Henry Vane doth covenant to keepe all the howses, and lodges in the said Forrests and Chaces in good repaire, and keepe and store the same with convenient number of deere for his Majestie's pleasure, and to preserve all the lands meadowes and pastures woods and underwoods att his owne charges.

Sir Henry Vane, now late deceased, under colour of theis two grants (the first of which excepts the Forrest, the second only grants the office of Keeper commonly called in those parts the Bow-bearer) for about 14 yeares last past hath taken the rents issues and profitts of the said Forrest and all the Chaces Parks and Warrens therein, and other excepted premisses belonging to the Common Wealth, to his owne use, hath taken kild and disposed of all sorts of deare redd and fallow at his owne pleasure, and hath also taken upon him the ownershipp and freehold of the soile of the said Forrest and Chaces, and hath leased out severall parcells of the same to under tenants under his hand and seale whereby he hath raised great summes of money by way of fynes, and hath by his agents and underkeepers received in and now keeps such number of sheepe and cattell at gist rates, and inclosed soe much to private uses, that the number of deere is diminished and almost destroyed.

Reviews of Books

Six Roman Laws. By E. G. HARDY, D.Litt. (Oxford: Clarendon Press, 1911.)

IN this work Dr. Hardy translates the *leges* entitled *Acilia Repetundarum*, *Agraria*, *Antonia de Termessibus Maioribus*, *Municipii Tarentini*, *Rubria de Gallia Cisalpina*, and *Iulia Municipalis*. Introductions, notes, appendices, and an excellent index are also provided, and the whole work is a valuable addition to the existing *subsidia* for the study of Roman law and history. It is unfortunate, however, that Dr. Hardy has not made his introductions a little longer and clearer. He assumes an amount of knowledge in his reader which, if actually possessed, would render his introductions superfluous. No fault is to be found with him because he does not stop to explain the ordinary technical terms of Roman law; but it should not be necessary, for instance, to read up the whole subject of the equestrian courts in order to understand the introduction to the *Lex Acilia*. The younger student, for whom the book is intended, will be hopelessly confused by the way in which two *Servilian* laws are mentioned on pp. 3 and 4. He will fail to understand why the jury-lists should vary considerably from year to year because the *illustres equites* and those included in the *centuriæ equitum* were excluded from them. He will be entirely unable to follow the argument as regards the identification of the *Lex Acilia* with the *lex iudiciaria* attributed to Gracchus. Dr. Hardy, by the way, will not have it that *Caepio's Lex Servilia* of 106 B.C. was passed, and seems to doubt whether it was even proposed. But Cicero (*Brut.* 161) says distinctly that L. Crassus delivered a great speech in support of the *Lex Servilia* of 106; elsewhere (*de Inv.* i. 92) he remarks that offence will certainly be given 'si quis apud equites Romanos cupidos iudicandi *Caepionis legem iudiciariam* laudet'; and Tacitus (*Ann.* xii. 60) describes the *lex Servilia* as restoring the *iudicia* to the senate. There is another point in the introduction against which objection may be fairly brought. We read on p. 4—

I do not attach much importance to the fact that while Plutarch (*G. Græch.* 6) states that by the Gracchan law the first jurors were to be appointed by Gracchus himself, this law orders the praetor to make the appointment within ten days of the passing of the law (v. 12). Plutarch's statement is extremely improbable, and he is certainly inaccurate in saying that the jurors were to be taken from senate and *equites*.

This misrepresents Plutarch. What he says is that Gracchus proposed to form a new body by adding 300 knights to the existing senate of 300; that the *iudicia* were to be entrusted to this new body; and that the

people not only approved of this law, but also conferred upon Gracchus the selection of the *equites*. Again, Dr. Hardy writes on p. 7—

It is possible, as Mr. Warde Fowler suggests (*English Historical Review*, 1905), that Gracchus only took this extreme course [the total exclusion of the senatorial class] after an earlier scheme (Liv. Epit. 60) for leavening the senate with a large number of *equites* had failed.

Yet it is unquestionable that both Plutarch and Livy's epitomizer are referring to the same scheme, and Dr. Hardy's discussion requires obviously to be recast.

In the introduction to the *Lex Agraria* the question of its authorship is raised once more, and the argument against the view which assigns it to Spurius Thorius is described as amounting almost to demonstration. The evidence consists of one passage in Appian and two passages in Cicero. In the *Bell. Civ.* i. 27 Appian, after mentioning a law which permitted the Gracchan recipients of land to sell their holdings, proceeds:—

Καὶ περιὴν ἐς χεῖρον ἐτι τοῖς πένησι, μέχρι Σπόριος Θόριος δημαρχῶν ἐσχηγίστο νόμον, τὴν μὲν γῆν μηκέτι διανέμειν ἀλλ' εἶναι τῶν ἔχόντων, καὶ φόρους ἱπὲρ αὐτῆς τῷ δήμῳ κατατίθεσθαι . . . τοὺς φόρους οὐ πολὺ ὑστερον διέλυσε δῆμαρχος ἕτερος, καὶ ὁ δῆμος ἀθρόως ἀπάντων ἐξεπεπτώκει.

The passages in Cicero are—

Sp. Thorius satis valuit in populari genere dicendi, is qui agrum publicum vitiosa et inutili lege vectigali levavit (*Brut.* 136),

and secondly

Sed ex his omnibus nihil magis ridetur quam quod est praeter expectationem, cuius innumerabilia sunt exempla, ut Appii maioria illius qui in senatu, cum ageretur de agris publicis et de lege Thoria et peteretur Lucullus ab iis, qui a pecore eius depasci agros publicos dicerent, etc. (*De Or.* ii. 284).

In order to make Appian and Cicero agree, Dr. Hardy is forced to translate the words of the *Brutus* by 'he relieved the public land from an irregular and useless law by imposing a vectigal'—the law in question being the agrarian law of Tiberius Gracchus. But it is incredible that Cicero, of all people, would have used these words to express this meaning; we must translate them 'he freed the public land from the vectigal by a faulty and hurtful law',¹ and assume that Appian has attached Thorius to the wrong enactment. Dr. Hardy objects that 'when we turn to the third law itself, we find that it did not relieve any public land from vectigal'. Yet the words of § 19 as translated by himself are:—

As respecting the public land, ground, or building belonging to the Roman people within Italy in the consulship of P. Mucius and L. Calpurnius [133 B.C.], in respect of all land which by law or plebiscite or by the effect of this law has become or shall become private property, no magistrate or pro-magistrate shall . . . take steps whereby any owner shall give or be bound to give to the people or to a tax-farmer any money fee or rent ('*pequiam scripturam vectigalve*').

This agrees precisely with Appian and Cicero. Dr. Hardy acknowledges that Appian was referring to this section, but will not listen to this interpretation of Cicero's words, apparently because Cicero used the

¹ *Inutilis* here as in *de Off.* ii. 49 'seditiosum et inutilem civem, C. Norbanum, in iudicium vocavit'.

term 'public land' simply, without going on—in the midst of an enumeration of orators—to explain precisely what kind of land he meant.

It would be not only ungracious but also misleading to continue in this strain. Dr. Hardy's book is useless for the class whose needs he imagined he was meeting; but it can be recommended with the utmost warmth to the teachers of this class. They will find it an excellent handbook for a term of lectures: every page teems with learning, acuteness, suggestiveness, while the terseness and occasional obscurity of expression will constitute an admirable mental discipline for lecturer and student alike.

W. A. GOLIGHER.

The Roman Wall in Scotland. By GEORGE MACDONALD, M.A., LL.D.
(Glasgow: MacLehose, 1911.)

HARD upon Mr. Curle's monumental work on Newstead, recently noticed in this Review (*supra*, p. 355), comes another volume which reflects no less credit on the school of Scottish archaeologists who are doing for the history of the Roman occupation of the lowlands what the Germans, with the resources of the *Reichslimes-Kommission* at their back, have all but accomplished for that of Roman rule on and beyond the Rhine. The Scotsmen have doubtless learnt much from their German *Fachgenossen*; but they have learnt it so thoroughly that they have nothing to fear from a comparison of their work with that of their teachers. Dr. Macdonald is already well known both for his business-like methods of excavation and his capacity for lucid exposition; witness his account of the Roman forts on the Bar Hill (cf. *ante*, xxii. 613). In the volume before us he shows himself able to take broader views and to deduce historical conclusions from scattered facts and incomplete records. Much indeed has been done since the *Antonine Wall Report*—an excellent piece of work in its way—was published by the Glasgow Archaeological Society in 1899. Beside the famous inscription containing the name of Lollius Urbicus, which the enthusiastic Gordon pronounced to be 'the most invaluable Jewel of Antiquity that ever was found in the Island of Britain, since the Time of the Romans', we may set the slab taken from the Tyne in 1903, which records the dispatch of reinforcements from Germany to Britain in the governorship of Julius Verus, and throws light on the troubles which led to the abandonment and reoccupation of the frontier districts in the middle of the second century of our era. Above all, the traces of Agricola's line of forts, partly coinciding with the later *limes*, have been clearly brought to light. It was time, therefore, that a new survey of the evidence should be presented. And yet, as we turn over Dr. Macdonald's pages, the first thing that strikes us is, how much still remains to be done. Let us consider the first section of the Antonine wall—that which runs as far as the passage of the Kelvin at Balmuildy. The traces of the first station, at Chapel Hill, are so vague that 'excavation alone can decide whether they furnish a clue to the outline of the buried fort' (p. 154). Next comes Duntocher, where 'properly organized excavation . . . would meet with an ample reward' (p. 160). At Castle Hill, the third fort on the *limes*, 'the prospects of excavation are . . . hopeful'

(p. 161). As if to point the moral, the fort of New Kilpatrick, whose site is occupied by the villas of Bearsden, 'must be regarded as lost to archaeology' (p. 163); but, as a consolation, the site of Balmuildy 'offers a great opportunity' (p. 167). Need we go further? Surely the conclusion is plain, that the importance of Dr. Macdonald's book may be found to reside, not so much in its account of what the spade has already brought to light (admirable as that is), as in the stimulus which it may give to enlightened landowners or public bodies to set to and reap the rich harvest which yet remains—ere it be too late. The example of Mr. Whitelaw of Garshore, whose liberality made the excavation of the Bar Hill possible, is one that we must earnestly hope to see followed.

Except for an introductory chapter on the 'historical background', in which the organization of the Roman army is briefly but firmly sketched, Dr. Macdonald confines himself very strictly to the Antonine *vallum* and the remains found on its course. This is on one ground only a matter of regret, and that is because Camelon, which, after all, belongs to the 'Agricolan *limes*', as Dr. Macdonald calls it, though the term is not quite appropriate, is ruled out. It may be that he was not satisfied with the methods of excavation and the publication of results, which fall, indeed, somewhat below his exacting standard. Some words which he lets fall on p. 383—negative as they are—give rise to a suspicion that such was his motive. Yet the reader will be justified in the regret which he will certainly feel at finding no detailed account of this important station lying just off the line of the later wall. For the rest, we have nothing but praise for Dr. Macdonald's work. To note only two points in which his sagacity is shown, we may mention the convincing explanation of the curious difference in the unit of measurement—by feet to the east, by paces to the west, of Castle Hill—in the legionary tablets, and the ingenious suggestion that the semicircular platforms found at Croy Hill and elsewhere were intended to support beacons such as those which (as von Domaszewski has shown) are represented on the columns of Trajan and Marcus Aurelius.

On p. 60 it is said that the absence of a 'striking force' in the Roman army of the empire 'made the final catastrophe inevitable'. If this refers to the fall of the empire before the barbarian invaders, it should have been added that an attempt had been made, though too late, by Diocletian to remedy the defect.

H. STUART JONES.

The Origin and Development of the Christian Church in Gaul during the First Six Centuries of the Christian Era. By T. SCOTT HOLMES, D.D. (London: Macmillan, 1911.)

THIS book consists of the Birkbeck lectures delivered in Trinity College, Cambridge, in 1907 and 1908. The subject, on which no general work in English had previously appeared, is of great interest, and it is therefore to be regretted that the author did not work over his matter again and publish it in another form, thereby avoiding the frequent repetitions, omissions, and absence of connexion which are almost inevitable in a series of lectures and detract from the literary character of the book. The best part of the

volume is the beginning. The legends concerning St. Mary Magdalene and Lazarus are demolished at perhaps unnecessary length, but an excellent account is given of the persecution at Lyons, the first event in the history of the Gallican church of which we have any knowledge, and the defence of the story given by Gregory of Tours of the mission of the seven bishops in 250 is ingenious and plausible, though the authorities are hardly sufficient to support all the inferences drawn from them. But after this the author's critical faculty seems to desert him, and he repeats stories which depend only on the statements of late writers almost as if they were of equal value with those that are supported by contemporary testimony. The evidence for a persecution of Christian soldiers by Maximian is, for instance, very slight, and the assertion that the evidence for the massacre of the Thebaean legion (Eucherius, c. 440) 'cannot be denied' is amazing. A similar instance is the repetition of the exploded story of the murder of Hilperic and his sons by Gundobad (p. 321). Frequently also words put into the mouth of historical characters by rhetorical writers are given as if they were actually spoken. Of this nature are the words ascribed to Constantius at the synod of Milan, 'My will shall be to you a canon' (p. 147), the prophecies attributed to Columbanus (pp. 561, 564), and the celebrated words which Remigius is said to have addressed to Chlodovech at his baptism (p. 332). In this last case the name 'Sicamber' is surely enough to show that the words are taken from a poem; and, as the king never burnt the objects of Christian worship, it would have been a gross offence to say that he had done so.

The book seems to have been published without proper revision, and the sentences are therefore often obscure and the English slipshod (even the title does not express what the author means) or positively ungrammatical, as at 158 l. 13, 188 l. 9, 292 l. 30, 330 n. 2, l. 2, 389 l. 19, 513 l. 17, 521 l. 17, 525 l. 31, 526 ult., 533 l. 26, 552 n. 1, l. 4. Obvious inconsistencies are also left uncorrected. Thus on p. 402 we are told that Prosper died apparently soon after 432, but on p. 403 it is said that he continued his chronicle to 455 and is mentioned as living in 463; and Sigibert is represented on p. 326 as a Salian and on p. 337 as a Ripuarian king. Again, the death of Theodosius II (450) is on 295 n. 3 placed in 449, and on 402 n. 2 in 435. Where 596 is made the year after 596 (pp. 537, 538) we may suspect a misprint. How the statement (p. 62) that Rhodanius probably succeeded Saturninus is to be reconciled with the preceding narrative I cannot understand; and the meaning of the assertion (p. 76) that Postumus united Gaul, Britain, and Spain into one prefecture is almost equally difficult. It is also puzzling to find it stated on p. 338 that Arles was not taken till 510, when it appears from the author's own narrative that it was not taken at all. Further, on p. 71 the 'three causes' are left unexplained, only two being mentioned.

Small slips (in some cases perhaps misprints) are frequent. On p. 17 'Theodoric II' should be 'Theodoric IV'; on p. 71 'Aetius' should be 'Macedonius'; on p. 314 '445' should be '455'; at 350 n. 1, 'Julius' should be 'Silvester'; on p. 466 n. 'Valentinian' should be 'Honorius'; on p. 152 n. the second Eusebius was of course Eusebius of Nicomedia; and on p. 294 800 is a strange date to give for Photius (he was not born then).

Canon Holmes seems to find a special difficulty in relationships. He regularly speaks of Gallus and Julian as nephews of Constantius, Placidia is called daughter of Valentinian II (p. 347), and Gundobad is described as cousin of Ricimer (p. 322), and Sigibert II as grandson of Brunichild (p. 567). On p. 552 the notes should obviously be joined together, the second being meaningless by itself. It is a worse blemish that the citations are not to be trusted. At p. 294 we are told that Photius describes Cassian as 'Ρωμαῖος, and that this means that he was born in the empire. Now, even if Photius used this word, it could not have this meaning, for the fact would not need stating; but his actual words are 'Ρώμην λαχόντος πατρίδα, which plainly means 'native of Rome'. Again, on p. 567, n. 3 the date '615' is given (perhaps by a misprint) as part of the citation. There is a strange mistranslation on p. 177: Hilary expresses a wish that he had lived under Nero or Decius rather than under Constantius ('tuum ministerium Neronianis Decianisque temporibus explessem'); but Canon Holmes loses the point by rendering 'that I might . . . fulfil the ministry . . . in these Neronian and Decian times'. On p. 303 Terouanne is apparently meant to represent Tornacus (Tournai). The name of the pope usually known as Celestine is printed sometimes Cælestine, which is right, but more often Cœlestine, which is wrong; and by a similar slip Beroea is on p. 148 called 'Beræa'. Further, the name of the author of *Italy and her Invaders* appears as 'Hodgkins' (313, n. 4; 565, n. 5). Smaller errors, such as the omission of short words or the substitution of one for another, occur on 293, n. 1, l. 5; 310, n. 6; 313, n. 3, l. 2; 340. 20; 350. 4; and 526, n. 8.

The index is extraordinarily defective. Hilary of Arles, for instance, is frequently mentioned on pp. 284, 285, 368-71, and 397-403, but there is no reference to any of these places under his name, and Hilary the companion of Prosper (pp. 390-2) is not given in the index at all. Similarly under Honoratus of Arles there are no references to pp. 367, 368, 396, 399, 453, and 454, and Honoratus of Marseilles (p. 453) and Honoratus of Bourges (p. 517) are altogether omitted. Other omissions which happen to have come under my notice are Aurelian of Arles (pp. 517, 518), Theodoric I of Austrasia (pp. 337, 338), and Virgilius of Arles (pp. 531, 537). Lastly, the edict of Valentinian to Aetius, mentioned on pp. 348 and 549, is assigned under Valentinian to p. 348, and under Aetius to p. 549 only.

The faults of the book are so numerous that I have necessarily occupied a large part of the review in noticing them; but it nevertheless contains much useful matter which can hardly be found in so convenient a form elsewhere. Besides the first three chapters I should like to mention the life of Martin of Tours, the discussion of the case of Priscillian, the narrative of the rise of the bishopric of Arles (founded on the researches of M. Babut), the account of the Semi-Pelagian controversy, and the biography of Columbanus; but in this last the chronology is surely perverse, for the '20 years' of Jonas cannot be set aside, as Canon Holmes proposes (554, n. 2; 563, n. 4). Much of the volume, however, presents the appearance of a collection of rough notes thrown together without revision or verification.

E. W. BROOKS.

Geschichte der Serben. Von CONSTANTIN JIREČEK. Band I. (Bis 1371.)
(Gotha : F. A. Perthes, 1911.)

SINCE the beginning of the last century no scholar has published a complete history of the Serbs based upon adequate researches. One of the greatest Balkan statesmen of our time, whose organization of Bosnia has made the Serbs oblivious of his previous services as a historian, the late Benjamin von Kállay, left a brilliant fragment of an unfinished work behind him; Hilferding went no further than 1018, while Šafařík devoted to the social life of medieval Servia merely a few pages of his history of south Slavonic literature. But many Servian scholars have devoted themselves to minute investigations of particular incidents or periods, and a vast mass of undigested material has thus been accumulated, partly in collections of Venetian documents, but mainly in the inaccessible fastnesses of Slavonic periodicals. At last the right man has been found to write a continuous story from these hitherto unused stores of erudition; and henceforth, for the western reader, the present book is likely to be the standard work on Servian history, definitely superseding the obsolete and cumbrous treatise of J. C. von Engel. Dr. Jireček is admirably qualified for this difficult task. His *Geschichte der Bulgaren*, though now in need of revision, is still the best book on the two Bulgarian empires; his description of the Bulgaria of twenty years ago and his practical experience as a Bulgarian minister are both to his credit; while a series of less voluminous essays on Balkan topography and history forms an introduction to his present book. One thing, indeed, he conspicuously lacks—the gift of literary composition. He has no style; his pages are simply one long string of facts, drily narrated; and his Serbs never cease to be carefully and minutely labelled skeletons. Of the romance of medieval Servian history he displays no inkling; general ideas he has none. Still, every student of the Serbs will consult him, for his researches have been brought right down to the present year, and scarcely any scrap of evidence has escaped his notice.

This first volume takes us to the battle of the Maritza, which the author describes as 'the beginning of Turkish rule over the Southern Slavs'. The first of the four books, into which it is divided, deals with the pre-Slavonic period of Balkan history, on which we would merely remark that the mountains of Montenegro are not all 'without wine', and that Dr. Jireček disagrees with Professors Bury and Diehl in regarding Belisarius as a Slav (pp. 7, 49). Next comes the Slavonic colonization of Illyricum, with respect to which he rejects the old theory of Constantine Porphyrogenitus on the peaceful settlement of the Slavs in Dalmatia; in passing, it may be remarked that Monsignor Bulić told the present reviewer at Salona that the last dated inscription of that city was 612, not 603, as here stated (p. 95). Then follows a section devoted to the dark and difficult period of Servian history from the seventh to the twelfth century, of which the most interesting part is the chapter dealing with paganism and Christianity. It must be confessed that, with all his researches, the author fails to give any really lucid picture of the mysterious Servian rulers of that time; even for him the second half of the tenth century is

a blank; and it is only when we reach the age of Stephen Nemanja that we are able to see clearly. Still even in this portion he imparts incidentally much curious information—such as the survival of the clan system in Montenegro down to 1851, the abolition under modern individualistic conditions of the *zadruga* system, the antiquity of the Hoti tribe, at present so conspicuous, and of the Albanian village of Tuzi, the disappearance since the murder of the late King Alexander of the oldest literary specimen of church Slavonic, presented to that ill-fated monarch when he visited Mount Athos. The account of the founder of the famous dynasty of medieval Serbia contains much that the older histories lacked: Stephen Nemanja's father is now shown to be Zavida, the Greek inscription on his gold seal is quoted, and the date of his death is stated to have been 1199, one of several chronological innovations in the present work.

The last division of the volume embraces the reigns of Nemanja's descendants. Here the author is able to correct from Chomatianos Hopf's and his own previous identification of Chryses with Strž of Prosék; but he still keeps the wrong date for the Epirote conquest of Salonika. We miss any reference to Professor Gelcich's paper on Giovanni Dandolo (p. 306, n. 2), and any allusion to Queen Elena's inscription in the most interesting church at Schirgi on the Bojana.¹ He confirms the opinion that 'Ρωσος Οἶκος of Akropolites was not Stephen Uroš I, but the 'Russian prince' ('Uroš' being the Hungarian *ur*, 'prince'), Rostislav, and refutes the modern view² that the Skutarine coins of 'King Constantine' refer to Constantine Balša, instead of to the much earlier Constantine, son and successor of Stephen Uroš II. He obviously inclines to the opinion that Dušan was a parricide; indeed, the great Servian Tsar is not unduly exalted in these pages: the Servian empire was made too fast and of too incoherent materials to last, but Dušan had the foresight to warn western Europe of the Turkish peril. For his legal reforms and the internal administration of the Nemanja dynasty we must wait till the second volume appears, and the present closes with the peaceful death of Stephen Uroš V, more than two months after that of his legendary murderer, Vukašin.

WILLIAM MILLER.

Irish Ecclesiastical Architecture, with some notice of similar or related work in England, Scotland, and elsewhere. By ARTHUR C. CHAMPNEYS, M.A. (London: Bell, 1910.)

THIS book by Mr. Champneys represents a decided advance on any previous treatment of the monuments of the building art in Ireland. He preserves the balance between an exclusively Irish treatment of the theme and one that would minimize the native elements in Irish work and merge it in that of western Europe as a whole. Though the word 'Architecture' is used in the title, the volume takes account of monuments, such as the carved crosses and even the recumbent tombstones, which are not in the ordinary sense structures, and on the other hand the limitation 'ecclesiastical' is not so strictly adhered to as to exclude a preliminary

¹ *Wissenschaftliche Mitteilungen aus Bosnien und der Hercegovina*, vii. 231-42.

² Gelcich, *La Zedda e la Dinastia dei Balšići*, 179, n. 3.

notice of 'specimens of the most primitive secular or pagan architecture of Ireland', which exhibit a style of building from which 'the most primitive ecclesiastical buildings' take their origin.

The main purpose of the volume is to survey the successive periods of Irish ecclesiastical architecture, from the epoch of the primitive structures just mentioned, down to the close of the Gothic period, which is represented in the island by late specimens of the sixteenth and even of the seventeenth century. The treatment throughout is based not only on personal observation, but on documentary evidence interpreted in an historical spirit, and in this connexion the author pays particular attention to the relations of Ireland at different epochs with the adjacent parts of Great Britain and of the Continent. Some of these are prehistoric. In the article 'Archaeology' in the new *Encyclopaedia Britannica*, Dr. C. H. Read emphasizes the European importance of Ireland in the Early Bronze Age, when she supplied her neighbours with her native gold, and apparently possessed a direct sea connexion with the Spanish peninsula. The derivation of the spiral ornament, and even the constructive forms, of the sepulchral chamber at Newgrange by the Boyne from the old Aegean culture, revealed by the discoveries of Schliemann and Sir Arthur Evans, is a current doctrine among the leading authorities of to-day. Mr. Champneys, accepting this, notes too the similar European connexions of the Irish stone forts, which are only the best preserved examples of structures that occur over the greater portion of north-western Europe, while the characteristic 'bee-hive' style of dry-stone building, represented chiefly now in the west of Ireland, occurs also in the less well-preserved Celtic structures of Scotland. At a later period Ireland felt the general European movement of the eleventh and twelfth centuries, that gave to the west its numerous types of Romanesque architecture and ornament, and subsequently adopted certain specifically Norman forms. In the early Gothic epoch Irish builders followed the Cistercian models common to western Europe, and in other respects made practical acknowledgement of the effect of the connexion with England.

In the twelfth century the change from the Irish to the English and Continental plan began, was accelerated by the English invasion, and in the thirteenth century it was (in most places) practically completed. Here the facts which meet us in Irish architecture are explained by Irish history (p. 138).

There was a special connexion of early Irish Gothic with that of Pembroke-shire, which in its turn had 'adopted its architectural ideas mainly from Somersetshire', and Christ Church, Dublin, is 'an English church in the style of the Transition' (p. 140). That this did not mean that Ireland was to become merely an architectural province of England is, however, clearly shown by the subsequent development of the art in the western isle. While owing much to the English Lancet and Decorated styles, especially to the former, Ireland did not go on to adopt the later Perpendicular forms characteristic of England, but like Scotland pursued an independent course. On the other hand, whereas later Scottish Gothic exhibits marked signs of French influence, Ireland expresses her architectural ideas in a more purely vernacular form, and late Irish Gothic is a style that presents striking indigenous features.

Mr. Champneys is just as careful to bring out the native Irish elements in the successive styles he analyses as he is to break down the old wall of demarcation, which the older Hibernian archaeologists had set up between Irish art and that of the outer world in general. In truth Irish work at all periods is racy and original in a remarkable degree, and the author does full justice to its interesting constructive and decorative features. With regard to the former the professional reader will miss the analytical drawings which are needed to make points of structure and technique clear, while in the case of the latter also, if drawings were not available, some larger scale photographs should have been added of details of aesthetic value. Historically speaking the treatment of the remarkable work known as Irish Romanesque is satisfactory, for the author of course rejects the fantastic dating at one time in vogue and places the work as a whole after 1100, but it might have been more tellingly illustrated. A more serious defect in the book from the architect's point of view is the absence of ground-plans, the omission of which is extraordinary in a work directed to the professional as well as the general reader. But on the whole Mr. Champneys is to be congratulated on a sound and careful piece of work upon a very interesting theme.

G. BALDWIN BROWN.

L'Immunité Franque. Par MAURICE KROELL. (Paris : Rousseau, 1910.)

THIS is an extremely useful work. It is the first monograph that has been published on the subject, and it gives a thorough survey of the evidence. Dr. Kroell has discovered no new documents, but he deserves gratitude for the catalogue which he has compiled of all grants of immunity prior to 840. The catalogue is illustrated by a map showing the geographical distribution of privileged foundations in the first half of the ninth century.

Dr. Kroell begins by discussing the *immunitates* of the later Roman Empire. He points out that these grants concede to the lands of the church certain exemptions already possessed by the imperial demesne, and so far resemble the Frankish *immunitates*. But the characteristic feature of the Frankish grant is the exclusion of royal officers from the privileged estate; and this privilege was never granted, even to the imperial demesne, by any Roman emperor except Valentinian II, whose decree on the subject was quashed by Arcadius and Honorius. The Frankish immunity was at first a means of protecting the judicial rights which churches and other great landowners had usurped in the later days of the Empire. These private jurisdictions were recognized by Clotaire II in 614, although with important reservations. They were, however, persistently invaded by the rapacious counts of the Merovingian period, who found in judicial fines their chief source of wealth; it was to provide an additional security against these invasions that the diploma of immunity was devised. *Immunitas* was frequently granted by the Merovingians as the price of special services and support. Under the Carolingians there was a change of policy; or, to speak more accurately, what had been a suicidal expedient for gaining a temporary advantage was converted into a method of local government. The Caro-

lingians confirmed the old charters of immunity, and gave new grants not only in their hereditary dominions but also in their newly-conquered territories. In the ninth century they accepted the doctrine that every religious house was entitled to immunity. But at the same time they insisted upon their own right to nominate the *advocati*, who exercised all the prerogatives of the immunist. These functionaries, under Charles the Great and until about the year 850, were really state officials; the independence which the sovereign gave with one hand he took away with the other. After 850 the crown begins to renounce, in particular cases, the right of nomination; and when this fatal step is taken the exempt estate rapidly becomes an *imperium in imperio*.

In thus emphasizing the importance of the *advocatus* Dr. Kroell follows the path mapped out by his teacher, Professor Senn.¹ We naturally ask what equivalent check was provided in the cases where *immunitas* was granted to the lands of a layman. According to the classical theory such cases were numerous. Professor Brunner states that every *beneficium* granted from the royal demesne had the full privilege of immunity. Dr. Kroell denies that there is any foundation for this statement. While the Merovingians had granted immunity to lay and ecclesiastical proprietors alike, the Carolingians, he holds, only made such grants to laymen in extremely exceptional cases. The normal Carolingian *immunitas* is an ecclesiastical privilege. Here he takes up and develops a suggestion of another of his teachers, Professor Esmein.² The arguments against Dr. Brunner are formidable. No Carolingian grant of *immunitas* to a layman has been discovered; the Carolingian formula-books and capitularies take it for granted that the recipient of such a privilege will be an ecclesiastic. The passages which Dr. Brunner cites to prove his point are, with one exception, beside the mark. But the weakest part of Dr. Kroell's argument is that in which he deals with the exception. The Capitulary of Héristal (779) says:—*Ut latrones de infra immunitatem illi(us) iudicis ad comitum placita praesente(n)tur, et qui hoc non fecerit beneficium et honorem perdat. Similiter et vassus noster, si hoc non adimpleverit, beneficium et honorem perdat. Et qui beneficium non habuerit, bannum solvat.* We agree with Dr. Kroell that this enactment does not really support Dr. Brunner's argument. But Dr. Kroell gives an untenable interpretation. As we understand the words of the capitulary, the duty of producing robbers is imposed upon three different kinds of landowner: the immunist, the royal vassal, the ordinary freeholder. The immunist is an ecclesiastic, but he has received his office and the lands appurtenant thereto from the king; it is in accordance with the usual terminology of the period that his estate should be called a *beneficium*. The *vassus* is a layman, so is the freeholder. It is not necessary to suppose that the *beneficium* of the *vassus* is privileged *absque introitu publici iudicis*; for the land of the ordinary freeholder is not so privileged, and the duty of producing robbers is cast upon both alike. For this particular purpose they are put upon the same footing as the immunist. The Capitulary of Héristal compels all landowners to act as police officers within their own estates.

¹ F. Senn, *L'Institution des Avoueries ecclésiastiques en France* (Paris, 1903); *L'Institution des Vidamies* (Paris, 1907).

² Esmein, *Histoire du Droit français* (Paris, 1907), p. 142, n. 4.

It extends to the royal *vassus* and to the freeholder an obligation which was previously incumbent upon the immunist alone.

The book ends with a useful account of the post-Carolingian grants of immunity, and a study of the causes which operated to transform the great *immunitates* into the ecclesiastical principalities of the middle ages. Dr. Kroell has not developed this part of his theme in detail; but the lucidity of his exposition is commendable. Indeed, the style and arrangement of the work as a whole are much better than we expect to find in a dissertation. Here and there the course of the argument is interrupted or obscured by the accumulation of illustrative evidence. But on the whole Dr. Kroell carries his learning lightly. It may be the effect of his legal training that he refuses to admit the possibility of any exceptions in practice to the legal principles which he discusses. For example, he deals summarily with a text from Marculf, which appears to prove that the owners of *immunitates* could alienate them (p. 96), where it would have been more reasonable to suppose that the immunist sometimes succeeded in doing what he had no right to do. But the legal precision of Dr. Kroell is a refreshing contrast to the vagueness and looseness of statement which we too often find in the histories of institutions.

H. W. C. DAVIS.

The Imperial Administrative System in the Ninth Century, with a Revised Text of the Kletorologion of Philotheos. By J. B. BURY. (British Academy, Supplemental Papers. I.) (London: Frowde, 1911.)

THE Roman administrative system at the beginning of the fifth century is well known to us from the *Notitia Dignitatum*, and by the help of the law-books and other sources we can trace its evolution in considerable detail down to the time of Justinian; but after this authorities almost fail us, and the system which we find described in the works of Constantine VII appears like a new creation. For the state of things which existed at the end of the ninth century the best source is the *Kletorologion* of Philotheos the ἀρχικλίνης, a table of precedence and list of officials composed in 899, which was appended to book ii of the *De Cerimoniis* and is published with that work in the Bonn edition; and in 1898 a similar list of officials of the time of Michael III was published from a Jerusalem manuscript by Uspenski, who at the same time collated another text of part of the *Kletorologion* contained in the same manuscript. Now Professor Bury gives us a much-needed revised text of the document, founded upon an independent examination of the Leipzig MS., from which the Bonn text is taken, and Uspenski's collation of the Jerusalem MS., with an introduction and elaborate notes upon each office and dignity. On the origin of the themes much has already been written by Professor Bury himself and others, and the matter is not touched on here; but on other branches of administration no systematic investigation has previously been made, and the present treatise, compiled with the author's well-known learning and acumen, must form a basis for all future research. The book, in fact, covers a wider field than its title would suggest, for Professor Bury's object is not only to fix the nature and functions of the offices mentioned by Philotheos, but also to trace the development of the system since the

time of Justinian. The authorities, however, are so scanty that, though he has clearly established the main fact upon which the alterations are based, that the functions of the great offices were divided, and the number of officials therefore greatly increased, it is only in a few cases that the process can be traced with any approach to certainty, and many of the conclusions arrived at, though probable, can hardly be accepted as more than tentative. Especially interesting is the case of the *magister officiorum* (μάγιστρος). Professor Bury believes that in the eighth century there were two μάγιστροι, but that in the time of Michael III μάγιστρος came to be a mere title without limitation, though the two official μάγιστροι continued to exist (on p. 50 he rather inconsistently speaks of the abolition of the office). It would, however, have been more satisfactory if he had traced the history of the office from an earlier date: the use of the name in Sebeos makes it difficult to think that there was only one μάγιστρος even in his time, and, considering the scantiness of our sources, I cannot feel confident that it was not used as a title at a much earlier date than Professor Bury thinks. The method in which names of offices came to be used as titles may be gathered from the case of the consulship. As an ex-consul as such held a certain precedence, it became the custom to confer this precedence on a man who had not been consul, i.e. he was created ἀπὸ ἱπάτων, which was popularly shortened to ἱπατος. The rank of ἀπὸ ἐπαρχῶν is of course well known; but in this case, probably in consequence of the continued importance of the city prefect, though Professor Bury speaks of a 'titular prefecture' (p. 20), the title never seems to have been shortened to ἐπαρχος.

In discussing the transition from the old system to the new I cannot but think that Professor Bury has made insufficient allowance for the fact that, as under Justinian Greek took the place of Latin as the legal language, so from that time the old Latin titles for the offices gradually gave way to more popular Greek designations. Thus, though he identifies the σακελλάριος with the ταμίας τῶν βασιλικῶν χρημάτων, and shows that the latter designation was in use as early as the time of Agathias (p. 85), he yet speaks of the abolition of the *comes rei privatae* (p. 81). But surely the obvious conclusion is that ταμίας τῶν βασιλικῶν χρημάτων was the popular Greek name for the *comes rei privatae*, to which indeed the passage from Agathias seems to point. Again, it is assumed throughout that the praetorian prefecture had ceased to exist. Yet the presence of the praetorian prefect at the Synod of 869 is recorded (Mansi, xvi. 18, 37, 309), and from *De Cerimoniis*, i. 61, l. 15, he seems to have existed in Constantine's own time. It is certainly possible that, as the city prefect had the charge of the *praetorium*, he was sometimes by a false archaism called praetorian prefect; otherwise the praetorian prefecture must have continued to exist, though more generally known by some other name.

The history of the administrative system in the ninth century is complicated by the fact that Philotheos, though he professes to be writing an official handbook, sometimes copies older documents describing a state of things which no longer existed (a curious instance of Byzantine methods). Professor Bury gives several examples of this; and I may here add two more, which seem to have escaped him. (1) On p. 172, l. 20 it is stated that after

Whit Sunday was celebrated τὸ στέψιμον τοῦ δεσπότου. Now Leo was crowned at Epiphany; but his father Basil was crowned on Whit Sunday, and the notice therefore dates from his reign. The reason for keeping the anniversary not on Whit Sunday but the day after would be to avoid clashing with the church festival. That it was not a fixed anniversary is shown by the fact that its mention follows that of the feasts which depend upon Easter and precedes 1 May. (2) Οἱ p. 175, l. 30 Zoe Augusta is mentioned as a living person. But Zoe, the daughter of Stylianos, died in 896, and Leo's marriage with Zoe Carbonopsina did not take place before 906. Unless, therefore, we identify this Zoe with the unnamed wife of Alexander, we must conclude that this notice dates from the years 894-6, when the daughter of Stylianos bore the imperial title.

I will end with a few small notes and corrections. On p. 35 the expression ὁ μικρός is assumed to imply that the emperor so described was a boy. But is it not merely 'the younger'? On the same page 'Valerian' should be 'Varronian', and in the note 'Placidia' is no doubt a misprint (I have not noticed any others) for 'Placidia'. Finally, on p. 52 the identification of the τοποτηρηταί from Thrace and Macedonia with those of the σχολαί and the ἀριθμός seems at least to require explanation, as they had detachments of all the τάγματα under them. If it is right, the designations τῶν σχολῶν and τοῦ ἀριθμοῦ must have become merely titular.

E. W. BROOKS.

Le Servage dans le Comté de Hainaut. Par LÉO VERRIEST. (Bruxelles : Hayez, 1910.)

THE Belgian Academy, which has awarded the Charles Duvivier prize to this treatise, required the writer to indicate the nature of serfdom in one of the ancient territories of Belgium, and to describe the efforts made to ameliorate and abolish it, paying special attention to the *droits et prestations* established in displacement or commutation of serfdom down to the end of the eighteenth century, and indicating the measures taken for the suppression of these when the feudal régime was abolished by law in Belgium. The abundance of edited records (to which he himself has been a distinguished contributor) was one of the reasons that led M. Verriest to select Hainaut as the territory to be dealt with; but his work abundantly proves his wide familiarity with the archives themselves. A slight divergence of view from that implied in the wording of the academy's proposals has led to a deviation from—or rather an addition to—the plan prescribed. According to M. Verriest, not only did serfdom itself entirely disappear from Hainaut before the close of the sixteenth century, but even the obligations established in representation of servitude ceased to exist some time before the end of the eighteenth century. The feudal obligations abolished in Hainaut at the time of the revolution were survivals, not, as was supposed both by their apologists and their assailants, of personal servitude, but of seigniorial rights exercised over freemen. In order to establish this point M. Verriest has been obliged to add to his treatise a section especially dealing with the last relic of feudal tenure—the right of *meilleur catel*—and carefully distinguishing between the two

forms of it, respectively derived from the *mainmorte personnelle*, which was a characteristic of serfdom and from the *mainmorte réelle* which was imposed on tenants who were personally free.

Apart from the establishment of this distinction and from the admirably clear and fully documented account of the gradual attenuation and final abolition of feudal tenures in the seventeenth and eighteenth centuries, the distinctive feature of M. Verriest's work is the full account he gives of an institution which played a foremost part in the evolution of medieval tenure in Hainault—that of *assainteurement*. Whilst admitting that free allodial tenure, though far from extinct, had ceased to play the predominant part which it still retained in maritime Flanders, M. Verriest denies that the majority of the population of Hainault had sunk during the ninth, tenth, and eleventh centuries to a condition of personal servitude. *Taille*, *mainmorte*, *corvée*, &c., were incidents of tenure imposed on men personally free as well as on serfs. But whilst neither the serf nor his posterity could legally escape from them except by enfranchisement, the freeman, and, still more, his children, could make a fresh bargain. Now, during the twelfth and thirteenth centuries economic forces were working a complete revolution in the land tenures of Hainault. Cultivators were being invited to open up new soil on favourable terms as *hospites*; and lords who wished to retain their tenants were obliged to offer improved conditions. Hence the continuous grant of rural charters by which the arbitrary *taille* was reduced to a fixed *assise*, the *corvée* limited to specified days, and *mainmorte* commuted to *meilleur catel*. The wide prevalence of these charters, and the fact that serfs were precluded from any share in their advantages, is sufficient evidence to M. Verriest of the personal freedom of a large part of the rural population. But serfs had undoubtedly been numerous, and just as the popularity of the *hostise* contract stimulated the grant of rural charters to freemen, so the improved prospects of freemen furnished a strong motive for the evasion of servile status. For, though manumissions were frequent, it was mainly through the opportunities of flight and evasion offered by an improved economic and social environment that serfdom suffered decay. By the close of the fifteenth century personal unfreedom had become a negligible factor in economic life; the serf had become assimilated to the condition of the freeman.

Assainteurement was the device under which this transition was mainly effected. A *sainteur* was a person who, by devoting himself or herself to the patron saint of a religious house, and by rendering certain fixed dues in acknowledgement thereof, secured a guarantee of his personal status against any third party interested in attacking it. Such a person might be an emancipated slave, a freeman with a new charter, or he might be of *franc orine*, i. e. claim to enjoy certain privileges as being of noble blood on the maternal side. As it included the last two elements, the class of *sainteurs* must, M. Verriest argues, have enjoyed, in all essentials, the status of freemen, and the obligations imposed were similar to those embodied in rural charters, i. e. a light annual *cens capital*, and fixed dues at marriage and at death. In a list dating from 1295 of all the inhabitants of Mons (700 in number) with a property of thirty livres and upwards, 93 per cent. are

found to belong to the status of *sainteur*; and M. Verriest concludes that a large majority of the population of Hainault was at that period covered by the same term. The status was nominally hereditary, descending like serfdom in Hainault through mothers; but early in the fifteenth century it began to disappear or to be displaced by a lay device for securing the same objects—the status of *gens d'avouerie*. M. Verriest's account of *assainement* furnishes, in fact, a new chapter in the history of the subordination of status to contract. His book as a whole exhibits a combination of great learning with an admirable power of clear exposition. It is provided with a bibliography, several maps, a very full set of illustrative tables and documents, and an index of names and places.

GEORGE UNWIN.

Oxford Studies in Social and Legal History. Vol. II. Edited by P. VINOGRADOFF. (Oxford: Clarendon Press, 1910.)

THE appearance of a second volume of these studies within a year of the first speaks well for the fruitfulness of the field and the energy of the editor. Like its predecessor it contains two monographs, both of which are contributions to the study of English manorial institutions. Mr. F. M. Stenton, of University College, Reading, supplements his valuable Domesday articles in the *Victoria County Histories* by an investigation of the various 'Types of Manorial Structure in the Northern Danelaw', and Miss N. Neilson, lecturer in Mount Holyoke College, Massachusetts, deals with the subject of 'Customary Rents'.

Mr. Stenton's essay is an extremely able piece of analysis which puts in a clearer light than anything previously published the peculiar features of manorial development in the districts most thickly settled by the Danes. The evidence of Domesday had already been pretty thoroughly ransacked, and though a closer study is even now rewarded the author's most novel and interesting results are drawn from the very few landbooks and early Anglo-Norman charters which we possess for these districts, and which had not received hitherto the attention they deserve. He has had the good fortune to reclaim two or three pre-conquest land grants from counties to which wrong identifications had consigned them, and to establish the important fact that the Lincolnshire portion of the Peterborough *Liber Niger* belongs to a date not more than fifteen years after Domesday Book was drawn up. Mr. Stenton's exposition is admirably clear and pointed, but in an essay of over ninety pages closely packed with matter, and divided into two chapters only, we sometimes regret the suppression of the marginal analysis given in the first volume.

For the purposes of the inquiry Danelaw is used in that narrowest of its several senses in which it comprises the six modern counties of York, Lincoln, Nottingham, Derby, Leicester, and Rutland, where Scandinavian influences were most intensive. We do not quarrel with this limitation, though the features on which the selection is grounded were equally present in the district between the Ribble and the Cumberland Derwent. The carucate assessment and the wapentake, for instance, which are here stated to be unknown outside the area chosen, can both be found in that

area, and traces of them were visible even south of the Ribble long after the Norman Conquest.

An outstanding feature of the characteristic Danelaw manor is the dependence upon it of outlying berewicks or sokelands, or both, and an inquiry into their respective nature and relations to the head manor forms the main subject of the first chapter. This leads almost at once to one of those discoveries which can still be made in Domesday. Maitland, it will be remembered, thought that he detected proof of the villein's original ownership of his land and stock in the normal Domesday opposition of *dominium to terra* (*silva*, &c.) *villanorum*, and in the seeming absence of the later use of *dominium*, in which it was made to cover all land not held of the lord by free tenants. The evidence collected from the Danelaw shires by Professor Vinogradoff in his *English Society in the Eleventh Century* disturbed the basis of Maitland's argument by showing that *inland*, usually the English equivalent of *dominium* in its ordinary Domesday sense, is sometimes extended to cover a whole manor or berewick in opposition to the *soca* held by free sokemen whose land was subject to jurisdictional but not to proprietary rights on the part of the lord. The bearing of this fact, however, upon Maitland's deduction was not pressed home. It was left for Mr. Stenton to emphasize its significance, and also to furnish proof that *dominium* itself is used for everything but *soca* throughout the Lincolnshire section (c. A.D. 1100) of the Peterborough *Liber Niger* and occasionally even in Domesday Book. We might have expected to find the lord's ownership of the land of his villeins stressed in the more manorialized south and west rather than in the Danelaw, but it was just the fact that free sokemen were numerous here that made necessary the more explicit statement of the lord's rights in villein land. The frequent mention of villeins and bordars seated on sokeland along with or even without sokemen seems at first sight to conflict with the distinction drawn above. But it is pointed out that such cases are capable of explanation without necessarily resorting to the supposition of a depression or reclassification of pre-conquest sokemen.⁴ For there is evidence that they sometimes had villeins and bordars dependent upon them, while the presence of others on sokeland may be traceable to unnoted conversions of sokeland into inland. As is only natural Mr. Stenton is able to throw more light upon the history of the Danelaw sokes after the Norman conquest, when they became much less stable than Domesday seems to indicate, than upon their origin and early growth. But the fact that the greater sokes, consisting of a central manor and scattered sokelands, are normally comprised within a single wapentake or group of adjacent wapentakes, leads to the conclusion that some at least of these wider sokes originated in grants of wapentake courts or of royal rights over all unattached freemen in one or more wapentakes. With the aid of landbooks from the York *Liber Albus* and the Hengwrt MS., it is shown that such sokes, as well as another characteristic type of Danelaw estate, the manor with scattered berewicks, were already in existence in the third quarter of the tenth century. Another manorial type common in Yorkshire combined berewicks and sokelands in dependence upon a central manor. The rarest was the single manor vill which was the normal type outside the Danelaw,

for here villas of many manors abounded, and though the early Norman lords consolidated the ownership in many cases the distribution of landed property long continued to observe less relation to the ancient agrarian unit than in other parts of England.

A well-known feature of the soke was the provender rent, the collection of which by the holder of the soke supplied the germ of subsequent manorialization. A rare glimpse of the actual details of such a rent in the case of a Danelaw soke is disclosed by Mr. Stenton's happy identification of the 'Hikeling et Kinildeton' of an early eleventh-century charter to Ramsey Abbey with two Nottinghamshire villages. Attention is drawn to the care with which the geld assessment of land *de soca* is stated in Domesday separately from that of the *dominium*, as showing that the sokemen still paid their own geld whatever was the case with villeins and bordars. Some interesting figures, which reveal a considerable variation in the average holding of the sokeman in Kesteven, Lindsey, and Nottinghamshire respectively, suggest on examination that the differences were really due to fiscal fluctuations between the districts in question. Perhaps the most startling view advanced in these pages is that this carucate assessment was not more than sixty or seventy years old at the date of Domesday. The evidence certainly seems difficult to get over. The landbooks show the kings still granting away land here in hides down to the beginning of the eleventh century. The conclusion drawn is that Cnut was probably the first to bring the Danelaw under the fiscal system of the south and east, and confirmation is claimed in the absence of its shires from the County Hidage, which seems to have been drawn up about the beginning of the eleventh century. If this conclusion be justified we are at once faced by certain difficulties which the author escapes by excluding from his purview the other districts in which a gelding carucate prevailed. Does he believe that Cnut was responsible for the gelding carucates of Norfolk and Suffolk, or does he agree with those who deny that they had any connexion with the geld? His view, again, if accepted will compel a revision of the usual explanation of the double assessment of the district 'Between Ribble and Mersey' in hides and carucates, six of the latter being equivalent to one of the former. It has always been supposed that the carucates represent an assessment older than the Mercian annexation of the district between 923 and 930, and the hides an assimilation to the Mercian system of rating accompanied by a huge reduction. If the carucates are as recent as Cnut's reign a new and difficult problem is raised. It may be possible to surmount these obstacles, but the argument from the silence of the County Hidage can hardly be pressed in the face of the fact that it also omits several southern and all the eastern counties.

Miss Neilson's monograph on customary rents is also a valuable contribution to manorial history and antiquities, though its merits are of a different order. The collection, classification, and interpretation of the almost numberless dues payable by tenants on manors in the middle ages, whether strictly manorial or originally political or ecclesiastical, will save the students and editors of cartularies, court rolls, and extents a great deal of time and labour. The material is drawn from

a wide variety of sources, many of which are unprinted, and though it does not lend itself very readily to continuous narrative is made accessible to those who wish to use it on particular points by a very full index. Systematic comparison of local customs from all parts of the country throws much needed light on many obscure payments, and if the subject does not allow of startling novelty, Miss Neilson does not miss an opportunity of correcting current views on such matters as the alleged economic self-sufficiency of the medieval village, which does not altogether fit in with the frequent sales of surplus produce recorded in bailiffs' accounts. A few mistakes and misprints are only to be expected where such a number of recondite terms are dealt with. On p. 26 the service of hedgemaking 'called Wodehenes' and its commutation Heynwodesilver are confused with the payment of a hen at Christmas, which in many places was known as a woodhen, being regarded as consideration for certain rights in the lord's wood. 'Waulassum' on p. 20 should be 'Wanlassum'. A little further on a slip of the pen places Tynemouth in Yorkshire (p. 33). JAMES TAIT.

Das Necrologium des Cluniacenser-Priorates Münchenwiler (Villars-les-Moines). Herausgegeben von GUSTAV SCHNÜRER (*Collectanea Friburgensia*, N. F., x). (Freiburg, Schweiz: Gschwend, 1909.)

THIS work has indirectly arisen out of one of Dom Bonaventura Egger's, namely the *Geschichte der Cluniacenser-Klöster in der Westschweiz*.¹ Dom Egger's attention having been called by Professor Schnürer to Sackur's extract from the *Necrologium*, it was he who discovered that the latter belonged not to Villars (in the diocese of Besançon), as Sackur and Delisle had thought, but to Münchenwiler (Villars-les-Moines) near Murten (dioc. Lausanne). Sackur's extract, however, was only the beginning of the publication of the manuscript here given, for which Professor Schnürer claims not only high local interest and value, but considerable importance for the general history of the eleventh and twelfth centuries inasmuch as—and this is his main contention—it offers material for the reconstruction of the lost *Necrologium* of Cluny during the great period of that house. Münchenwiler itself was a small house, maintaining as a rule only four monks, and took its origin in certain gifts of land in Vilar to Abbot Hugh of Cluny in 1080. The transaction was concluded at Cluny, whither apparently the donors repaired, but the original design would not seem to have included the foundation of a house. That such a house arose, however, before or about 1100, seems clear, and by the end of the thirteenth or beginning of the fourteenth century, we have something of the history of its inner life in the reports of the visitations and in the discussions of the general chapters printed elsewhere. The manuscript now printed presumably remained at Münchenwiler until the incorporation of that house with a foundation in Bern at the end of the fifteenth century, when it was probably taken back to Cluny and so reached Paris with the Cluny manuscripts.

The *Necrologium*, strictly speaking, is part of a chapter-book, that is to say, a book in daily use in the chapter. It contained also the gospel lessons,

¹ See *ante*, xxiii (1908), 762.

a martyrology, and the Benedictine rule, together with some shorter pieces. The arrangement of the *Necrologium* is probably in the main that of a certain Elsendis, of whom little is known (though her name appears in connexion with other necrologies), but who was probably a Cluniac nun. Professor Schnürer's conjecture as to the method and character of her work embodies his claim—which, though a little over-elaborated in statement, seems fairly convincing—that this document should be added to Molinier's short list of those from which the lost *Necrologium* of Cluny may be reconstructed. The entries in the register fall into two groups—the first being in one hand, the second in several. The first hand, that of Elsendis, is also that of the martyrology, and in it about half the entries of the day were written. It places distinguished men, popes, cardinals, &c., at the head of the list. This shows, of course, that the entries were not made as the events occurred, but that this part of the book, that namely of Elsendis, carried down to the early years of the twelfth century, is of the nature of a compilation; and it is this portion which Professor Schnürer claims was based upon, and indeed copied from, the Necrology of Cluny. To the redaction of Elsendis was added in various hands the death-roll of Münchenwiler itself, until, not long after the twelfth century closed, the regular entries (though short notices come down to the fifteenth century) in the *Necrologium* cease, as its regular use in the chapter came to an end. Molinier thinks that this disuse became general from the fourteenth century.

A. M. COOKE.

The King's Serjeants and Officers of State with their Coronation Services.

By J. HORACE ROUND, LL.D. (London: Nisbet, 1911.)

IN his recent work, *Peerage and Pedigree*, Mr. Round touched upon the erroneous view that the great offices of state were held by serjeanty, and was led to emphasize the description of serjeanty as a distinct form of tenure which is to be found in the *History of English Law*. In this volume the learned author pushes his inquiries further, corrects and sharpens the analysis of his predecessors, and examines in detail the nature and history of the great offices of state and the serjeanties of the court and the chase. The book is not easy to read; the theme may find some of Mr. Round's former disciples indifferent; yet no student who desires to learn more about the authorities for medieval English history and the way to use them will neglect these discussions. Few can ever hope to possess Mr. Round's wide apt learning, or will ever attain to his precision of method, but he is the master of all who wish to avoid the pitfalls which beset the study of medieval records. In this book particularly, students will find many convincing demonstrations of a truth which he is gradually dinning into our ears: that the most obscure researches in out of the way material may throw light on the broad beaten tracks of history.

The record of our early serjeanties reminds us at every turn of the useful fact that the jurors and lawyers of the thirteenth or fourteenth century were as fallible as the modern herald. Mr. Round has occasion to reject their evidence as firmly as he repudiates the historical learning produced in a court of claims in the reign of George V (e.g. pp. 105, 110).

An attitude of stern scepticism is indeed required towards the series of statements which compose the history of the chief butler. Long before the middle ages had run their course the problems arose: did the first earls of Arundel hold the office of chief butler as earls, or as a serjeanty attached to certain Norfolk manors, or as seised of the castle and honour of Arundel? (p. 160). This last assertion, put forth by John Fitz Alan in 1420/21, is very significant. It reminds us that even in the fifteenth century the claim of tenure to define honours and status was still to be heard; twelve years or so later precisely the same fact, the possession of the castle and honour of Arundel, was put forward as the ground of a claim to sit as a peer in parliament.¹ When we remember that many offices about the court were serjeanties, bound up with the tenure of certain lands, it is not surprising that the medieval mind confused the ideas of tenure and office. Mr. Round's investigations show that the idea of serjeanty sometimes fought successfully against a grant of office in gross (e.g. p. 304), and, in the well-known case of the king's champion, even emerged in the fourteenth century—nobody quite knew how—long after serjeanties had ceased to be created (pp. 383 *seqq.*). We find the coheirs of the last of the Marmions claiming, in virtue of Tamworth Castle and the manor of Scrivelsby respectively, to perform the service of champion at the coronation. Although neither one nor the other had been held by 'champion' service, a contest of nearly a century's duration at length attached the privilege to the tenant of Scrivelsby. Hence arose the persistent delusion 'that Robert Marmion, champion of Normandy, received Tamworth and Scrivelsby from the Conqueror, to hold by the "champion" service in England' (p. 381). In face of such statements it is helpful to have Mr. Round's demonstration (1) that some hereditary offices in gross go back to the time of Henry I or earlier, (2) that serjeanties are as a rule prior to the reign of John, and (3) that serjeanty and knight service were quite distinct forms of tenure, the confusion between them being often due to the great arrentation of serjeanties about 1250, in the course of which many lands held by serjeanty were turned into lands held by knight service.

Mr. Round has collected interesting evidence on the alleged impartibility of serjeanty. While, however, his examples establish the fact of partition between coheirresses, he does not seem to have proved his point that the impartibility laid down by Bracton was an assertion rather than sound law (p. 39). The case of coheirresses was always exceptional. For example, according to the earliest Norman customal a ducal serjeanty, like a *feodum loriceae*, was impartible, but in Norman law, down to the sixteenth century, the impartibility of the fee did not stand in the way of division among coheirresses. Similarly in England such division was an exception to the rule of primogeniture; indeed, the case of the marshalship at court, in which the senior coheir (by female succession) seems to have subinfeudated the lands of the junior coheir and so maintained the integrity of the serjeanty (p. 95), reminds us of the exceptional tenure by parage which existed in England till the middle of the thirteenth century.²

¹ *Rot. Parl.* iv. 441 (1433). Cf. Maitland, *Lectures on Constitutional History*, p. 82.

² *Hist. English Law*, ii. 277-8 (ed. 1898). The parallel is not exact, since the junior held of the senior by knight service, and in strict parage there was no subinfeudation. But the responsibility of the senior coheir is the point.

If the lands were divided, the office usually went to the heiress who had the *esnevia*, or the king might choose who should exercise it. In one case impartibility seems to have been prevented by a new grant 'parallel to the determination, in later times, of the abeyance of a barony' (p. 40). But as a rule we have to distinguish between the tenement and the 'actual performance of the office by which the land is held' (pp. 93-4). This would facilitate the conversion of a serjeanty into an office in gross (cf. p. 304). It follows that women were enabled to hold serjeanties, as in the curious cases of the court marshalship and the Cotteshill serjeanty (p. 98). I may quote at this point an explicit judgement delivered in the parlement of Paris in 1254 on the right of a woman to hold an hereditary office, since it refers to a Norman office dating from the twelfth century:

Cum rex Henricus Anglie dedisset cuidam et suis heredibus quod esset scriptor sue prepositure Cadomi, prout in litteris ipsius Regis continetur, et iam illud donum de herede ad heredem transisset ex successione, de novo orta fuit questio, ad petitionem cuiusdam mulieris, dictum officium petentis, et dicentis quod ipsa erat heres propinquior. Dubitabatur, cum illud officium non esset officium muliebre, utrum ipsa mulier ad huiusmodi successionem esset admittenda. Iudicatum est quod, cum carta domini regis Henrici donum testificaretur cuidam et suis heredibus, quod propter hoc, si ipsa erat mulier, non debebat repelli ab huiusmodi successione, et quod officium facere poterat per interpositam personam.³

It is unnecessary to refer, by way of example, to more than one or two points of interest in Mr. Round's book. In the chapter on the king's sport the reader will find masterly solutions of several technical difficulties, and will be made to feel at home in the medieval kennel. The familiar distinction between the *aula* and the *camera*, and the well-known practice of the three solemn feasts at which the Norman kings wore the crown, are put to brilliant service in more than one place in the book (e.g. pp. 202, 324). An examination of the serjeanties mentioned by Domesday Book, traced by Mr. Round with characteristic skill, brings out the fact that the king's thegns were in all probability simply royal servientes of English birth 'or at least of English domicile before the Normans came' (p. 13). Mr. Round does not appear, however, to be aware that this last point has been noticed, though with less precision, by Professor Vinogradoff.⁴

The book abounds in those irrelevancies, ranging from the casual aside to the full-toned diversion in pursuit of error, which even while they distract are so full of instruction to Mr. Round's readers. I may perhaps be allowed to add another suggested by the Heyden serjeanty. As Mr. Round observes (p. 128), Thomas of Heyden, who held one moiety of Heyden by towel-service, acted as vice-chancellor to Richard I in 1198. An examination of Richard's charters shows that Thomas of Heyden acted in this capacity from at least 9 October to 1 November 1198.⁵ On 30 October, two days before he last appears, a Master Roscelin

³ *Olim* i. 417.

⁴ *English Society in the Eleventh Century*, pp. 66, 404.

⁵ Delisle, introduction to *Actes de Henri II*, p. 192; *Calendar of Charter Rolls*, i. 324; ii. 306, 313.

performed the same office and continued to do so, with one brief interval, until the day before the king's death, that is, until 5 April 1199.⁶

F. M. POWICKE.

A History of Verona. By A. M. ALLEN. (London: Methuen, 1910.)

MISS ALLEN has shown considerable judgement in proportioning the space at her disposal. She has concentrated her attention on the period of Veronese brilliancy from the twelfth to the fourteenth centuries, though she does not forget to trace both the early days which prepared for this and the more melancholy ones that followed to give continuity to her study. In these 400 closely printed pages there is a wealth of information, carefully garnered from many sources. It is obvious that Miss Allen has drawn on original authorities, both published and unpublished, throughout her work, but there are not sufficient evidences of this in the footnotes. The book is not in any sense popular; its style is, we must confess, somewhat pedestrian, and its arrangement does not arrest the attention; so it would have been well to annotate it more thoroughly, that the serious reader might be aware on what authority many of the statements were made. References there are, but in our opinion not enough nor always of the right kind, and a few more would not have distressed the general reader whose dislike to notes is largely imaginary. On the whole the volume is more informative than critical; it follows a stern chronological sequence, and is really more a chronicle than a history. We should have preferred a more social treatment of the subject. Italian political history is not only dull, but in detail it is unimportant. The permutations and combinations of party factions have no real historical significance, and it would therefore have been better had Miss Allen devoted more space to the Veronese themselves and less to their political outlook. Her work on the constitutional side is sound, and not too elaborate, but of social and economic history she gives us not enough. It would have been well had she elaborated those passages in which she describes the care of land and woods and the relationship of the country districts and the town to one another, the average prices of cereals and the regulations of emigration from and immigration to the towns. The best part of the whole book is chapter x, entitled 'The Social and Economic Development under Cangrande I and his Successors', but it only extends to twenty-five pages, and of that a good deal is devoted to constitutional history which, necessary and excellent though it is, is not strictly economic or social, and might have been introduced elsewhere. The social history is introduced as a duty, and this is even more true of the chapters on art. It is next to impossible for an historian to make art live if he treats it

⁶ *Calendar of Charter Rolls*, i. 426; ii. 358, 354, 336, 173; iii. 18; i. 147; ii. 101 (in chronological order). Early in December 1198, Eustace of Ely, the chancellor, was with Richard at Les Andelys (i. 394, 185). Eustace had acted as vice-chancellor in 1194-7 (cf. Howden, iv. 12, 21). In 1190 in a charter to Fontevrault of 24 June, John of Alençon, archdeacon of Lisieux, appears as vice-chancellor (Delisle, p. 193). The only reference to Master Roscelin which I have found is in the Norman exchequer roll for 1198, which shows that he had recently been sent with two other messengers to the count of Flanders (*Rot. Scacc. Norm.* ii. 448).

separately. If Miss Allen had used Veronese pictures to illustrate the growth of the town, its social life, and its individual heroes, she would have been illuminating. As it is her cold and superficial treatment of the artistic side of Veronese life renders the last two chapters dull and uninteresting. One more criticism we have to make, and that is, that Miss Allen takes too much knowledge in her readers for granted. Thus many, when reading of Dante's sojourn at Verona in these pages, will wonder at the unexplained allusions to the 'Veltro' of the *Inferno* and the 'Dux' of *Paradiso*, especially, by the way, as we imagine Miss Allen to refer to the *Purgatorio* and not to the *Paradiso*. Despite these criticisms this volume is a sound and trustworthy piece of historical work, but it does not reach a high level in historical presentation, and as a picture of life at Verona it fails. Miss Allen should not deny herself enthusiasms. When she makes up her mind to this we shall expect still better work from her pen.

K. H. VICKERS.

Leet Jurisdiction in England, especially as illustrated by the Records of the Leet Court of Southampton. By F. J. C. HEARNSHAW, M.A., LL.M. (Southampton: Cox and Sharland, 1908.)

MAITLAND once wrote :

To the student of manorial rolls by far the most interesting franchise is the 'court leet or view of frankpledge', because it is very common, because it has great importance in the history of society, because its origin is extremely obscure: so obscure that we may be rash in speaking about it; still a little may be ventured.¹

It is into this subject that Professor Hearnshaw has also ventured in the volume that lies before us; and we are glad that he has had the courage to treat of this fascinating and complex phase of English history. He has been wise not to restrict his investigations to the records of the Southampton leet only. After a descriptive survey of the chief sources of information with regard to the legal or theoretical aspect of leet jurisdiction and the court leet, Mr. Hearnshaw proceeds to a consideration of leet jurisdiction in the medieval authorities and of the court leet in the modern authorities. Chief among the medieval authorities are the so-called articles of the view of frankpledge; while modern treatises and court keepers' guides furnish evidence for the modern times. Mr. Hearnshaw next deals with the leet in practice. Having discussed the authorities, such as charters, rolls, law reports, and reports of public commissions, he takes up the history of the Southampton court leet in considerable detail, treating successively the unrecorded period, the period of the records, and the period of the reporters. After this he discusses the other courts leet of England and Wales, and gives a descriptive list of two hundred and twenty courts leet or groups of courts leet. Finally he supplies a summary account of the history of leet jurisdiction in England, in which appropriate consideration is given to primitive law and justice, the extension of royal authority, the definition of leet jurisdiction, the age of the courts leet, the sources of the vitality

¹ *Select Pleas in Manorial Courts*, i, introd., p. xxvii.

of leet jurisdiction, and the causes of its decay. In the appendixes will be found the documents in use in connexion with the court leet of Southampton at the present day, lists of statutes and leading cases relating to leet jurisdiction, hitherto unpublished articles of the view from a fourteenth-century manuscript in the library of the University of Cambridge, a list of courts leet mentioned in the Municipal Corporations' Report as extant in 1835, the list of free suitors of the court leet of Southampton as given in 1907, and a bibliography.

Some who read Mr. Hearnshaw's work will be annoyed at his omission to refer to volume and page of the law reports in his citations of decided cases (e.g. p. 88, notes, and p. 147, note 3); but this defect is partly remedied by the author's list of leading cases contained in an appendix, where full citations will be found (pp. 368-72). It is to be regretted that the author was unable—owing to considerations of time—to give the entire work a final revision; for, as he says, his opinions on certain very important questions underwent a change during the progress of his work. A final revision would also have enabled him to consolidate and unify the various divisions of the work. This would have materially improved the work and have rendered the grasp of the entire development far easier.

One of Mr. Hearnshaw's most important contentions is that 'the court leet of legal theory remained throughout the centuries, and still remains, an ideal having but a partial and imperfect correspondence with reality' (p. 148). This wide divergence of historic fact from legal theory, despite a strong tendency for each to influence the other (see p. 147), is admirably expressed by Mr. Hearnshaw in his preface. He says:

When I wrote the earlier pages of the essay I had not realized quite so fully as when I wrote the historical summary at the end, what I now believe to be the truth, that in modern times, as well as in the middle ages, the 'court leet' as a separate and distinct court existed, in its pure form, nowhere save in legal theory, i.e. that, as it was originally, so it always remained, a fiction of the lawyers' imagination. The larger the number of records I have consulted, the stronger has become my conviction that the so-called 'courts leet' of England and Wales are really relics of old-time undifferentiated courts (*curiae generales*) of hundred, franchise, manor, or borough, which in medieval days, by way of addition to other powers, enjoyed the privilege of exercising leet jurisdiction, and which in the modern period acquired the never-quite-accurate designation of 'courts leet', owing partly to the superior dignity of their leet functions, partly to the decline of their other functions, and partly to the influence of legal theory.

No careful reader of Mr. Hearnshaw's pages where he produces the evidence in support of this view can fail to be impressed by the strength of the contention. Perhaps a legal reader might be inclined to say that the presumption is now strongly in favour of it, and that this presumption can never be rebutted save by the production of hitherto unexamined sources of a contrary import. Future editors of local records will no doubt be on the watch for such evidence.

Another contention of the author that will arouse interest is one directly opposed to the view held by Maitland. Mr. Hearnshaw maintains that the sheriff's tourn did not originate in the Assize of Clarendon, 1166 (p. iv), and holds that 'the Assize of Clarendon marks, not an increase, but a diminution of the sheriff's power, and that the

only important innovation introduced into the hundred by the Assize was the jury system, intended to be a check upon the frankpledge system' (p. v). Into this and other important questions raised by Mr. Hearnshaw we cannot enter on the present occasion. We wish only to indicate how interesting and instructive his volume is. The reader of it will learn much of leet jurisdiction in England, and he will learn much, too, about the history of the jury, the growth of national as opposed to local justice, and the social progress of the people. Leet jurisdiction is truly said to be 'peculiarly English in its character' (p. 23); and the student of English history cannot afford to neglect Mr. Hearnshaw's volume upon this phase of English life.

H. D. HAZELTINE.

Geschichte des fränkischen Kreises; Darstellung und Akten. Erster Band: Die Geschichte des Fränkischen Kreises von 1521-1559. Bearbeitet von FRITZ HARTUNG. (Leipzig: Meyer, 1910.)

Der niedersächsische Kreis und die Kreisverfassung bis 1542. Von ALBERT NEUKIRCH. (Leipzig: Heinsius, 1909.)

THESE two elaborate studies in the constitutional history of the German circles bear witness to a very determined spirit of historical inquiry. For few subjects can be more disheartening to a German than the tale of the wearisome and ineffective struggles of German reformers to give the realm some sort of organization which might check, if not control, the territorial and class particularism of emperor, princes, and towns. Dr. Hartung and Dr. Neukirch are both constrained to cover much the same ground in their surveys of the development of the *Kreis* in general, before the Franconian and Lower Saxon circles provided materials for individual histories. The work has been done independently, since a note in the introduction to Dr. Hartung's volume informs us that Dr. Neukirch's reached him after his text was in print. The two accounts afford some points of contrast. Dr. Neukirch will not go back further than Wenzel's proposals laid before the Diet in 1383, which he considers the origin of the *Kreisverfassung*. Dr. Hartung takes us nearly two centuries further into the past, and discusses the relations between the circles and the *Landfrieden* and *Ständeeinigungen* of earlier times. Whether Dr. Neukirch be right or no, there seems ample justification, considering the slow and intricate evolution of the circle organization, for Dr. Hartung's comparison of the proposals of 1383 with not wholly dissimilar schemes which preceded it; and while Dr. Neukirch pays more detailed attention to the next important scheme of 1438 and to its documentary history, Dr. Hartung provides a broader and more philosophical exposition of the various influences which impeded the adoption and development of the many projects for the organization of the circles in the fifteenth century. In spite of the impetus which the Hussite wars gave to the movement, at one time the towns, at another the territorial princes, at a third the emperor, succeeded in their opposition. All were in its favour, provided that the particular scheme gave them each a predominant influence in the constitution. A similar antagonism wrecked the proposals of Maximilian and Berthold of Mainz; Berthold wanted an organization based on the system of estates, and his scheme

may be regarded as a sort of counterpart to the Conciliar movement. Maximilian, on the other hand, naturally aimed at making the monarchy the centre of the circles. Between the two the territorial princes came by more than their own, and the ordinances of 1500 and 1512 fell to the ground.

The national movement which accompanied the Reformation and produced a real but short-lived *Reichsregiment* stimulated further attempts to organize the circles. Dr. Hartung lays stress upon the measures adopted at Worms in 1521, Dr. Neukirch rather on those of Esslingen in 1526; but from this point the two diverge, one to follow the history of the Franconian circle, the other that of Lower Saxony. Broadly, both stories and their results seem very similar. The siege of Vienna by the Turks in 1529 galvanized the circles into a semblance of activity, and the military aspect of their labours always seemed most promising; but a circle could rarely get its *Kreistag* convened, its contingent sent into the field, and its pay collected, before the campaign was at an end: hence the inglorious achievements of the margrave Joachim of Brandenburg against the Turks. The Lower Saxon circle really did assume some consistency in 1542, but it was at once faced with the refusal of the Hanse towns to participate in its deliberations or contribute to its needs; and when Dr. Neukirch closes his volume at the end of that year, the most positive achievements of his circle seem to be that it had fixed the place of meeting for its *Kreistag* at Halberstadt, and located its empty common chest at Brunswick.

Dr. Hartung carries us on through the lively times of the margrave Albrecht in 1553-4 down to the peace of 1555. The Franconian circle had little enough to do with Albrecht's suppression or with the other notable doings of the epoch; and its insignificance may be inferred from the fact that, down to 1552, the voluminous town-chronicles of Bamberg do not mention its existence. But the Diet of Augsburg did adopt measures which gave the circles a recognizable though not a very effective position in German constitutional history. The subject hardly lends itself to style in writing, but we must deplore the results, as seen in Dr. Neukirch's treatise, of recently adopted German patriotic spelling; even 'akut' (p. 62) and 'akzeptierten' (p. 168) convey shocks that are mild compared with the discovery of 'eklatantesten' (p. 61) as a translated superlative adjective of the French participle *éclatant*. The policy of annexation and assimilation may be carried too far.

A. F. POLLARD.

Visitation Articles and Injunctions of the Period of the Reformation. Edited by W. H. FRERE and W. McC. KENNEDY. 3 vols. (Printed for the Alcuin Club. London: Longmans, 1910.)

THIS valuable collection of documents includes a number which are printed for the first time, though the editors have also drawn on Strype, Cardwell, and other less obvious sources. Dr. Frere has doubts whether his collection is complete for the period which it covers, from 1536 to 1575, and confesses that 'the archives of the Chapters and of the Arch-deaconries have been less searched than the episcopal archives, and more

may well be forthcoming from those and other musty cupboards, though inquiries as full as possible have been made before going to press'. In fact, Cranmer's Injunctions for the monastery of Worcester (22 February 1534/5) are noticed in the 14th Report of the Historical Manuscripts Commission, app. viii. 179 f., and would doubtless have been used by Dr. Frere had he known of them. But he allows us to hope that in future volumes, which shall continue the series, such omissions will be supplied.

The documents cover the whole ground, including visitations, as well metropolitical, diocesan, as royal, of dioceses, chapters, and colleges. Some of the most interesting are of colleges at Oxford, especially Merton and All Souls. The notes are admirable, except that they are sometimes rather elementary in view of the readers who are likely to use the volumes. They might, of course, have been amplified *ad infinitum*, but Dr. Frere has preferred to pour out his erudition in the introduction. A little more might have been done in the identification of persons. Not all readers will recognize Hugh Coren, who appears twice, as Curwen, archbishop of Dublin and bishop of Oxford. Even Mr. Rackham, the author of the admirable index, will fail them here, and it is the more unfortunate since an additional fact in Curwen's life, unknown to the *Dictionary of National Biography*, is published. And when Bishop Parkhurst insists that due religious knowledge shall precede matrimony, it might be worth while to point out that this Calvinist prelate is copying a Dutch condition which is still enforced.

With much inevitable iteration, the visitations and their sequel, the Injunctions, cover the whole field of ecclesiastical administration. Mr. Rackham's index, a work of extraordinary completeness and accuracy, which takes account not only of the matter but of the language of the documents, and is itself a true piece of literature and on occasion demurely humorous, gives as much assistance as an index can. For the history of visitations, the conditions of ecclesiastical administration out of which they arose, the officers who have held them and their modes of operation, Dr. Frere's elaborate introduction is of the greatest value. No such survey has hitherto been attempted. In the primitive church he is not at home as he is when he reaches the Teutonic period. Difficult as the problem of *chorepiscopi* is, it is not lightened by ignoring the fact that the normal area of the bishopric was that of the civil administration. Where, as in western Asia Minor and central and southern Italy, the area was small, so was the bishopric; where, as at Milan and Verona, it was large, so was the diocese. No bishop, unless he were on the way to become a metropolitan, thought in the earlier times of extending his rule into a neighbouring municipal district. But there were regions of rudimentary administration, as in Cappadocia and Gaul, where in church as in state there was room for irregularity; and the phrase *πάλαις καὶ ἔθνη*, used by the council of Antioch in 269, means districts which have, and those which have not, full municipal organization—it does not mean, as Dr. Frere assumes, town and country: and we cannot draw inferences from churches in the lower stage of development as to the institutions of churches which were in the higher.

But Dr. Frere's account of the actual working of the English church throughout its history, and of the earlier continental analogies, is admirable. There are several important topics on which information is here collected that is not easily accessible elsewhere in so convenient and accurate a shape. Such are the history of the office of archdeacon, that of the exemption of monasteries from visitation, the contrast between the constitution of cathedrals of the Old and the New Foundation. Finally, there is an account of peculiar jurisdictions so valuable that we could wish it more complete. The royal peculiars of Shrewsbury and Bridgenorth and Penkridge (the last annexed to the archbishopric of Dublin) escape notice, as do the churches over which the dean of Windsor was ordinary, though the *Dictionary of National Biography*, v. 693, shows that in the reign of Elizabeth his authority was quite episcopal. But it would be ungracious to notice omissions in what is, in its annotations, largely a pioneer work, while in the texts it contains it is a permanent and weighty addition to the sources for English history.

E. W. WATSON.

The Wars of Religion in France, 1559-76. By JAMES WESTFALL THOMPSON, Ph.D., Associate-Professor of European History in the University of Chicago. (Chicago: University Press, 1909.)

THE most obvious points about Mr. Thompson's book, which was published in 1909 but did not reach us for review until 1911, are that it weighs nearly four pounds and costs eighteen shillings net. It is the result of laborious industry, and contains a vast collection of facts, notes, and references, some excellent maps, and a number of reproductions of contemporary prints. Against these merits must be set a commonplace style varied by frequent lapses into American neologisms which make the English reader shudder—'Meanwhile much politics had been in progress' (p. 5), 'when the Council reconvened' (p. 54), 'the Pope figured that he would force the Catholic princes' (p. 58), 'the practice of the French government making loans . . . antedates the Hundred Years' War' (p. 83), 'the mettlesome spirit of the prince' (p. 91), 'the government balked at this proposal' (p. 168), 'anxiety lest the English get Calais was dispelled' (p. 181), 'she was fearful lest England permanently acquire Havre-de-Grace' (p. 183), 'as soon as the plague was discovered, the town authorities . . . appointed barbers and gravediggers to treat ill and to inter the dead' (p. 238), 'Monluc . . . was angry at the queen mother, and quite ready to knife her in the dark' (p. 259), 'the capture of its queen telescoped with another plot against her' (p. 261); at the conference of Bayonne, Catherine 'doubled like a fox pursued by the hounds', while Alva 'side-stepped the direct shot', and having accomplished this, 'resorted to the Socratic method' (p. 277).

The student interested in the French wars of religion might tolerate such writing, were it not that Mr. Thompson's slipshod style merges into slipshod statements of fact, and slipshod statements of fact into obscure and unintelligent interpretation. It is perhaps of trivial importance that he should speak of the four sons of Henry II dying 'heirless' (p. 20), when all he means is that they died without legitimate male issue; that

he should write duke of Bedford instead of earl (p. 96); describe the Guises 'as uncles of Francis II' when they were uncles of Francis's queen (p. 22), or D'Andelot as brother of Condé instead of brother of Coligny (p. 128); and refer to the kingdom of Navarre as being 'entirely in the possession of Spain' (p. 442), or to Catherine 'dreaming of the Hapsburg crown' (p. 467) when he means the empire. Nor is it unpardonable to describe Beza's *Histoire* as 'remarkably accurate and impartial' (p. 156), to ascribe La Noue's comparison of Condé with Pompey to D'Aubigné (p. 136), or Monluc's reflexions on the effect of the 'enterprise of Meaux' upon Charles IX to Henri Martin (p. 321). But the cumulative effect of such trifles becomes serious when we consider them in connexion with other statements made by Mr. Thompson. He tells us, for instance, that the cardinal of Lorraine was in 1560 head of the house of Guise (p. 21), though, besides being a churchman, he was five years younger than Henry, duke of Guise; and that the duke of Lorraine was at the same date brother-in-law of the king of Denmark, although Christina, who married Francis, duke of Lorraine, was not by any means sister of Christian III of Denmark because she happened to be daughter of Christian II. Moreover, the duke whom she married had died in 1545, and Christian III himself in 1558. In 1560 the duke of Lorraine was simply son of the second cousin of the king of Denmark's father. Again, on p. 12 Mr. Thompson writes, 'Ever since the duke of Alva had been in Paris the impression had prevailed that Henry II and Philip II purposed to establish the inquisition in France.' This is all the more curious because he quotes Mr. Armstrong's account of the matter; but it is clear that Mr. Thompson did not know of the medieval inquisition or understand Mr. Armstrong's phrase, 'the introduction of the Spanish form of inquisition,' which, by the by, was not merely 'purposed' but achieved. Similarly, on the previous page Mr. Thompson gives us a note on the *chambre ardente*, without appearing to understand in the least what its significance was. In the same way he condemns Guise's execution of the English prisoners taken at Caudebec in 1563 as 'a more rigorous punishment than even sixteenth-century war nominally allowed' (p. 167 n.), not realizing that, Elizabeth being nominally at peace with France, there was some force in Guise's plea that the Englishmen were pirates.

We might go on multiplying these points almost indefinitely. Mr. Thompson tells us that 'Beyond Switzerland and Savoy lay Italy, save Venice entirely, and Rome in part, a group of Spanish dominions' (p. 247). A writer on the French wars of religion who includes Tuscany among Spanish dominions hardly appears to be in a position to understand the policy of Catherine de' Medici. In writing of 1565 he thinks that Philip II wanted to put Mary Stuart on Elizabeth's throne (p. 245), that she was 'the cornerstone of the universal monarchy Philip II dreamed of forming in Europe', and that 'his essential aim never varied an iota' (p. 246). This is in flat contradiction to the note Mr. Thompson quotes in his support from Professor Merriman (pp. 262-3), which states that 'the earlier part of his reign was dominated by a principle utterly different from that which inspired the latter'; though we do not understand how Mr. Merriman

reconciles Philip's 'single-hearted devotion to the cause of Rome' with his war of 1556-7.

Equally misleading are Mr. Thompson's attempts to illustrate 'the solidarity existing between Philip's revolted subjects in Flanders and the Huguenots'; for most of those who were resisting Philip in 1565 in the Netherlands were catholics. Nor can we follow Mr. Thompson in his contention that the 'labor party' in France was Huguenot. He makes a praiseworthy effort to give economic conditions their due share of influence in the history of France during the period; but the result is greater confusion. The truth is that Mr. Thompson is bewildered by his details; he cannot see the wood for the trees; and neither industry nor a knowledge of sources is enough to make a historian. We might, however, have expected in a history of wars some interpretation of military events; but Mr. Thompson has nothing to teach us about the campaigns of Jarnac and Moncontour. The battle of Jarnac is introduced like a bolt from the blue, and his sole comment is 'it was a fierce and bloody battle' (p. 376). Moncontour fares little better; we do not even learn that a river had anything to do with it, and there is no more attempt to appraise the military qualities of Coligny at Moncontour than Condé's at Jarnac.

A. F. POLLARD.

The Family and Heirs of Sir Francis Drake. By Lady ELIOTT-DRAKE.
2 Vols. (London: Smith, Elder, & Co., 1911.)

THIS is an interesting piece of family history well put together and agreeably written. It settles the disputed question of the birth of the famous sailor, showing clearly that he was a son of Edmund Drake, vicar of Upchurch, Kent, as Camden says (though by a slip writing Upnor instead of Upchurch). Lady Elliott-Drake does not attempt to write the life of Sir Francis over again, though her pages contribute something towards it. For instance, she prints in full in an appendix the Spanish originals of the relation of his voyage made by his cousin John Drake in 1584, and his examination by the Inquisition in 1587, giving full translations of both documents (ii. 343-401). She also prints at length Don Francisco de Zarate's account of his capture and treatment by Drake (i. 36-41). The illustrations include Drake's drum, the jewel and the cups presented to him by Queen Elizabeth, and two, if not three, portraits of the admiral. For the portrait on p. 276 of vol. i, purporting to represent Sir Francis Drake, second baronet, is obviously, from the costume, not the portrait of a man who was born in 1617, and the resemblance to the founder of the family is unmistakable. One of the most interesting illustrations is the map of 'L'Escudo de Veragua' (i. 189) taken from a manuscript in the Bibliothèque Nationale at Paris. The series of maps of which this is one were reproduced in an article by M. C. de la Roncière, entitled 'Un Atlas Inconnu de la dernière Expédition de Drake', published in the *Bulletin de Géographie historique et descriptive* for 1909 (no. 3). It is a pity, however, that Lady Elliott-Drake did not select for reproduction the view of Puerto Bello and the island of Buena Ventura. It bears below it the legend: 'This morning when the discription notid or taken of this lande

beinge the 28. of Januarie 1595 beinge wedensdaie in the morninge Sr Francis Drake Died of the bludie flix sighte of the Islande de Buena Ventura som 6 Leagues at see whom nou restith with the Lorde.'

Drake's successors, the descendants of his younger brother Thomas, were country gentlemen of influence, but played no great part in public affairs. Francis, the son of Thomas, was created a baronet on 29 July 1622. His son, the second Sir Francis, sat in the Long Parliament and took the popular side in the Civil War. Sir Francis, the third baronet, joined William of Orange at Exeter in 1688, and was a strong supporter of the Revolution. He was active in 1696 in enforcing the signature of the Association for the defence of William the Third and his government (ii. 106). Francis Henry, fourth baronet, was a Walpole whig, who sat in five or six parliaments, while the fifth baronet, also named Francis Henry, rose to the post of master of the household to George III. With his death in 1794 'the history of the Drakes of Buckland in the male line closes'. One of the last baronet's brothers, Francis Samuel Drake, rose to the rank of rear-admiral, won a baronetcy in 1782 for his distinguished services under Rodney, and has a place in the *Dictionary of National Biography*. But he, too, died without issue, and the family estates went to the son of his sister Anne Drake, who had married George Augustus Eliott, first Lord Heathfield.

Judging from these volumes the Drakes were either no great letter-writers or were careless about preserving their correspondence. The letters printed are few, and deal almost exclusively with matters of local or family interest only. There is, however, an interesting account of admiral Byng's execution, by Francis Samuel Drake (ii. 286), and an interesting description of the panic which prevailed in Devonshire in August 1779, when the combined French and Spanish fleets had the command of the Channel. 'All business is at a stand in this country. Everybody attending to nothing but hiding, burying or removing what little property they possess to save themselves from want. Shoals of people, women and children, daily coming through the town, looking like people bereft, and knowing not whither to retire for safety, and lamenting their friends left behind' (ii. 314). A parliamentary historian would also find interesting material in the account of the representation of the borough of Beeralston, and the explanation of the methods by which the Drake family secured and maintained their control of it.

Incidentally there is a good deal of information about other families with whom the Drakes were connected. There is much about the Pollexfens, and an excellent portrait of Chief Justice Sir Henry Pollexfen. There is also a very beautiful portrait of Drake's prisoner, Don Pedro de Valdes. It is a pity that the portrait of Thomas Boone, which is described at length (ii. 33), was not reproduced too. For though Cromwell did not send him as ambassador to Russia, he is interesting on account of his employment in company with Algernon Sydney and Edward Montagu to mediate between the kings of Denmark and Sweden in 1659.

C. H. FIRTH.

De Unione Regnorum Britanniae Tractatus. By Sir THOMAS CRAIG. Edited from the Manuscript in the Advocates' Library, with a Translation and Notes, by C. SANFORD TERRY, M.A. (Edinburgh: Scottish History Society, 1909.)

'It is curious,' says Professor Terry, 'that Sir Thomas Craig's *De Unione Regnorum Britanniae Tractatus* should have waited until after the three hundredth anniversary of its author's death before appearing in print.' After all these years the book remains of more than academic interest. At a time when current politics are largely concerned with questions of imperial federation on one hand, and of national autonomy and local patriotism on the other, it is instructive to read the comments and forecasts of a scholar and man of affairs who played a part in the first act of the drama of the unification of the empire.

Sir Thomas Craig, who died in 1608, stands in the front rank of Scottish legal authorities. His *Ius Feudale* remains the standard authority in Scotland as to the original condition of its feudal land-law. He was not only a successful lawyer, but a distinguished classical scholar in an age of scholarship, and a deeply-read student of history. Although he shunned the more ambitious paths of politics, he stood high in the confidence of James VI, accompanied him to England in 1603, and was present at his coronation. In 1604 he was one of the commissioners appointed by the Scottish parliament to treat of the union, and in the autumn of the year he attended the conference which met for that purpose at Westminster. It need scarcely be recalled that the union of the crowns, like the later union of the parliaments, was highly unpopular with large sections of the people on both sides of the border. The feuds of centuries were not to be appeased in a day. The English feared the irruption of needy and enterprising Scots, favoured by a Scottish king, into English trade, commerce, and public life; the Scots feared for their dearly won and jealously guarded independence; and there were politicians in both countries who were only too ready to appeal to these fears. Craig in Scotland, like Bacon in England, looked to the future, and could see the gains to posterity which the union had secured. In the *Tractatus* he has recorded his views, and it is of no small interest to read his reflections in the light of three hundred years' experience of union. Craig signed the Articles of Union agreed upon by the commissioners on 6 December 1604, and the *Tractatus* was apparently commenced immediately after his return to Scotland. Its special importance lies in the fact that it is the only detailed argument in favour of the union which emanated from the Scottish side.

The author begins with the proposition that the separation of the kingdoms of the island was the cause of all the early calamities of Britain, from the invasion of Julius Caesar to that of William of Normandy. After a discussion of the superiority of monarchy to all other forms of government, he proceeds to describe the various attempts of the English sovereigns to unite the realms of England and Scotland, whether by conquest or by dynastic alliance, and discusses the causes of their failure, and the disastrous results to both countries of the War of Independence brought about by Edward I.

Then follows a detailed examination of King James VI's proposals as regards the commercial and legal relations between the two countries, and the proposals of the meeting of commissioners in London, with a learned demonstration of how the hereditary rights of the various older dynasties had met in the person of King James. The nature of treaties and the essentials of political union are discussed, with much citation of Greek and Roman history. Then follows a chapter dealing at considerable length with the question 'Whether for the perfecting of the proposed union the laws of the two countries should be identical. With some remarks on the existing English and Scottish systems'—a subject with which the author was eminently qualified to deal. The subject of the relations of English and Scottish law, their likenesses and differences, and their progressive assimilation through centuries of give-and-take, is one of no small interest. Craig outlines the main principles and sources of the two systems, dealing most fully, as was natural in an eminent feudalist, with the subject of land tenure. He summarizes briefly much of the contents of his own classic *Ius Feudale*, and his summary, elucidated as it is by Professor Terry's annotations, is an excellent compendium of the old Scots feudal law, which, at least so far as regards legal theory, has survived with curious completeness into modern times. Craig's general conclusion is:

There is not that difference between the laws of the two countries that is popularly supposed to exist, nor is there any reason to despair of the possibility of so harmonizing the legal systems of the two peoples as to fashion one body of law applicable equally to both, and thereby to promote the union of the two countries in one body politic.

The harmonizing is still far from complete, but it has been slowly progressing since these words were written, and is perhaps likely to progress more rapidly in the future. Craig next deals with a delicate subject: 'Whether a sharing of offices, dignities, and rights be needful in the projected Union.' 'The question,' he says, 'whether the people of one country should be eligible to enjoy the offices, positions, dignities, rights, and privileges of the other . . . is the subject of somewhat heated controversy.' The English were nervous about the impending invasion from the north.

Such an exchange, they declare, would be like that of Diomed and Glaucus. . . . Our neighbours are also disinclined to admit us to high, honourable, and lucrative positions in the patronage of the Crown, and they instance the parable of the Ten Virgins, five of whom ran short of oil and were refused it by the others, lest haply there might not be enough for all. Mr. Fuller offered a similar illustration in the course of the recent debates in the House of Commons. If, he suggested, there were two meadows, one fertile and the other barren, and if lean cattle were turned into the former and fat cattle into the latter, the lean would wax fat and the fat would perish. Very unreasonably—but unreasonable people are to be found everywhere—some people aver that the union will result in the invasion of England by a poverty-stricken race, who will eat up the fruits of the land.

Craig learnedly supports the claim of his countrymen to all the privileges of native-born Englishmen, claims which were fully vindicated. (An illustration of the result was seen at the recent coronation, when the king was preceded up the nave of Westminster Abbey by three Scotsmen as archbishop of Canterbury, archbishop of York, and lord chancellor of England.) Then follows a disquisition 'of the origin of the Scottish nation and their distinction and eminence in the domain of letters and of war',

a congenial subject to our patriotic author, which he expounds in the true spirit of *Nemo me impune lacessit*. To do him justice he had some provocation; Sir Christopher Pigott's speech, for example, in which, says Craig,

he did not scruple to declare in Parliament that Scotland is the barrenest country in the world; that Scotsmen are the most perfidious and barbarous of all nations, devoid of an altar of faith, as the saying is, not to be tolerated in the courts of kings, and of a bloodthirsty and treacherous disposition; that the only possible relation between the two countries would be that of judge and thief.

To the modern reader the most interesting part of the *Tractatus* is the closing section, which deals with 'the measures and attachments whereby this Union may stand firm and solid for all time'. The chief requisites of a successful and permanent union are indicated as being that the dignity of both nations must be preserved inviolate; that the status of neither must suffer diminution; that the religion of each kingdom must be preserved intact; that there must be loyalty to a common sovereign ('should the stock of his most noble majesty fail, it will have to be looked to whether the two kingdoms may not again fall apart'); that each nation must live under its own laws and customs; that the parliament of each nation must retain its own authority; that intermarriage must be permitted in all ranks; that each nation must have the same friends and enemies; that both peoples must be on an equality in respect to public positions and rights, and that the currency of the two countries must be identical. Craig was wrong about the parliaments; the two parliaments brought the union perilously near shipwreck; but for the rest his judgement has been justified by history. The *Tractatus* ends with a tribute to the king, and a pious aspiration: *In sincera et perpetua pace, sub eius et liberorum imperio felicissimo conquiescamus; quod ut eveniat Deus omnibus precibus est implorandus*. The old Scots lawyer's prayer has been granted beyond expectation.

Professor Terry's notes are illuminating, sufficient, and not too copious. Prefixed to the volume is a portrait of David Masson, who but for his lamented death was to have edited the *Tractatus*. Mr. Maitland Thomson adds a valuable note on the manuscript. Like all the publications of the Scottish History Society the book is well printed and well indexed.

WILLIAM K. DICKSON.

In Defence of the Regalia, 1651-2; being Selections from the Family Papers of the Ogilvies of Barras. By Rev. D. G. BARRON, M.A., F.S.A. (Scot.). (London: Longmans, 1910.)

MR. BARRON'S work covers not merely the years 1651-2 during which George Ogilvy, as governor of Dunottar castle, was responsible for the safety of the regalia of Scotland, but also the history of the Ogilvy family in subsequent years, and the miscellaneous papers with which the book concludes range in date from 1457 to 1714. The title, however, indicates its main interest. Ogilvy was appointed governor on the 8th of July 1651, and from that date to the 24th of May 1652, when 'with flying colours, drum beating, match lighted, completely armed', the garrison marched out from the castle on honourable terms of surrender, he had in addition

to the ordinary difficulties of the situation endless complications from the variety of precious articles in his keeping. He was alone in his charge from August 1651 onwards, for the earl marischall, on whom the responsibility rested at first, was taken prisoner at that date. From the first Ogilvy had in the castle the crown, sceptre, and sword of state, which were the insignia of royalty in Scotland. By the end of August he had also 'the King's majesty's stuffs', including, as a letter from Sir Edward Hyde later explained, 'all the King's rich hangings and beds, plate and other furniture, to so good a value that it is avowed by very good men . . . that if all were in Amsterdam it would yield £20,000 sterling.' Soon the general assembly committed 'registers and special papers belonging to the Kirk' to his keeping, while the university of St. Andrews did the same with its 'ancient monuments' and perhaps its maces. Of these last two charges he was soon relieved, but the two former remained, and he declined to give up the regalia when requested to do so 'for their further security'.

As to what happened after this, at least five different persons have their different tales to tell. The one certain fact is, that at the Restoration the crown, sword, and sceptre, 'entire and complete and in the same condition they were entrusted,' were handed over by George Ogilvy at the king's command to the earl marischall. In the interval they had been buried under the floor of the church of Kineff, wrapped in linen, and brought out from time to time to be aired before the manse fire. Though the third article of the terms of surrender of Dunottar castle had been 'that the crown and sceptre of Scotland, together with all other ensigns of regality be delivered . . . or a good account thereof, for the use of the Parliament', Ogilvy successfully resisted all attempts to elicit from him their whereabouts, and Mrs. Ogilvy, threatened with torture, assured them that 'she had delivered them to John Keith for carrying them abroad to the King'. Keith, 'the better to cover this and to amuse the English,' accepted the story, and even produced a sham receipt to prove that he had delivered the regalia to the earl of Middleton at Paris. At the restoration of Charles II, however, none of the participants in the defence of the regalia wished to be left out when rewards of virtue were to be had. The countess marischall actually wrote to Charles before he entered London, claiming most of the credit for herself and John Keith. Ogilvy, provoked by the *suppressio veri* of her account, and still more, perhaps, by the fact that John Keith was made knight marischall with a pension of £400 a year, sent in a counterclaim in the autumn. Charles, adopting a suggestion made by Lauderdale, that the man who could give up the regalia to the king must be the man who had them, made Ogilvy a baronet. Later, John Keith became earl of Kintore, but possibly in recognition of general loyalty shown by himself and his family rather than for his connexion with the preservation of the honours.

So far the interest of the book is general and historical, and the documents printed by Mr. Barron give a vivid picture, very typical of the period, while some of the incidents are as romantic and adventurous as any that befell the royalist party between Worcester fight and the return of the king. From 1660 onwards, however, Mr. Barron's book deals

rather with family than general history. Inquiries made by Alexander Nisbet in preparing his *System of Heraldry* in 1699 led the earl of Kintore, the only survivor of the actors in 1651-2, to supply an account of the events in which his own share far outweighed that of the governor of Dunottar. Sir William Ogilvy, son of the governor, retaliated with so irritating a pamphlet that he and his son were summoned to appear before the privy council on a charge of libel. The last half of the 'regalia papers' here printed deal with this suit and its issue. Though the Ogilvies were worsted, Mr. Barron considers that that was due less to the weakness of their case than to their lack of political and social influence; but a study of the documents reveals so much flat contradiction by one side of the other that it is hard to come to any conclusion.

The correspondence which was carried on between Sir William Ogilvy and his two sons, the one studying law—and his own and his parents' interests—in Edinburgh, the other, David, dispatched to London to advance the great suit, is full of human interest. The three wrote with such frankness that they have given unconsciously a picture of the times rich in humour as well as here and there, in pathos. Meantime the old father at home was driven half crazy by the aggravations of the suit, his sons' demands, personal illness, money troubles, and the loss of a son by drowning. In this latter grief he confounded small with great matters, for even while mourning his loss he stigmatized it as 'careless', and wrote, 'I marvel that your brother seeing the seamen tying themselves to parts of the ship was on the deck and never offered to rise to tie himself.' Mr. Barron's book, then, and especially the selections from documents, makes excellent reading. Its general appearance, too, is attractive, though several misprints have escaped notice. The index would be improved by more cross-references. The earl of Kintore, for example, nowhere appears in the index as John Keith. Yet it was under that name that he took part in the defence of the regalia.

HILDA JOHNSTONE.

The History of England from the Restoration to the Death of William III, 1660-1702. By RICHARD LODGE, M.A., LL.D., Professor of History in the University of Edinburgh. (*The Political History of England*, vol. viii.) (London: Longmans, 1910.)

PROFESSOR LODGE is exceptionally well qualified for treating the complex history of England from 1660 to 1702. His grasp of this difficult period has enabled him to produce an account remarkable for its clearness, no less than for the accuracy of its historical perspective. After describing the restoration in England, Scotland, and Ireland respectively, he sets out in a well-balanced narrative the events of the memorable reign of Charles II. The part that Hyde played not merely in restoring the king but also in restoring the monarchy is clearly brought out. Events had moved too fast for normal development, and too triumphantly for the royalist party. Fairness was not to be expected. The reactionary spirit was too strong for toleration, and in the prevalence of this spirit we discern the cause of most of the misfortunes of the reign. The Uniformity

Act, the first and second Conventicle Acts, and the Five Mile Act furnish a strange commentary on the Declaration of Breda. We may, with Mr. Lodge, acquit the king of the charge of intolerance, for he did not care enough about religion to persecute his subjects. The aims of the sovereign from one point of view favoured toleration, for he was desirous of affording relief to Roman catholicism. From another point of view, however, his attitude was not at all encouraging. With his desire to bestow relief upon his Roman catholic subjects there went the antagonistic desire to acquire absolute power. Mr. Lodge's lucid pages enable us to see that the crucial period in the struggle of these two opposite aims was from 1678 to 1681. During these three years he was obliged to make his choice between absolutism and the toleration of Roman catholicism, and he decided to abandon the latter. For twenty years his subjects had been trying to teach him this lesson, and at last he learnt it. The effects, however, were that for the last four years of his reign his power was absolute. Undoubtedly the popish plot completed the rift between sovereign and subject, and the dissolution of the last parliament led to the second Stuart tyranny from 1681 to 1685. The parallelism in the aims and methods of the two brothers is worth noticing. With an obedient parliament and an obsequious clergy, what had James's policy of completing what Charles had left off to fear? For his cousin of France had proved that the conversion of heretics was a feasible, nay, an easy, task. No doubt his English subjects might be affrighted at the form the conversion assumed, but much might be put down to the belief that the reports of the pamphleteers were exaggerated. Was not he, James, an apostle of toleration, and was it probable he would countenance any too vigorous treatment for opening the eyes of his purblind subjects? The policy of his brother had proved an assured success, for his subjects had not shown active displeasure. Perhaps he with his equally strong rule—his autobiography makes this manifest—might reduce the clergy as his brother had reduced the governing laity.

In his references to the penal laws we wish that Mr. Lodge had brought out with greater clearness the political character of this legislation. The memorandum of Bishop Moreton, for example, proves that the allegiance Roman catholics owed the pope proved a determining cause of the strong attempts made to keep them in political subjection. The dominant feeling of the seventeenth century was that the gravest offence of the Roman catholic church was the claim it put forth on behalf of the papacy to hold a political supremacy over all princes and potentates. If the reader scans any pamphlet in defence of royal rights he is sure, before long, to see a reference to the pope or his great supporter, Cardinal Bellarmine. The generation that revolted against the rule of James in England had been trained to look upon the pope as the head of an alien jurisdiction menacing the real independence of the country. There was, moreover, ample opportunity for men to hear such views. The 30th of January and the 5th of November were suitable occasions for the clergy to inveigh against papal interference in the life of the state. Sober philosophers, too, dreaded the power of Rome almost as much as did the people. Filmer opens his *Patriarcha* with an elaborate attack on Bellarmine's position.

It has been said that James lost his throne because he believed in the Hobbesian conception of sovereignty; yet he might have pondered with advantage over the whole book of *The Leviathan*, which treats of the kingdom of darkness, signifying thereby the Roman catholic church. His friendship with the Jesuits might not, perhaps, have been so strong had he understood that his subjects believed that the Order of Jesus deliberately weakened the bonds of allegiance, and taught that a nation might resist and depose its sovereign. The Stuarts had ever been unfortunate in their friends, and a more unfortunate friend than Father Petre James could not have chosen.

The persecution of the early Christians by the Roman empire and the persecution of the Huguenots by Louis XIV afford parallel cases of want of toleration arising from political causes. Long ago Edmund Burke saw that it was pride, arrogance, the spirit of domination, and not the spirit of religion, that caused and kept up the penal laws. William King's correspondence at Dublin abounds with proofs that persecution was political. The letters of 1697 and 1698 from this point of view are very noteworthy. The Additional MS. 17406 in the British Museum confirms the correspondence of the former year in a very striking fashion. A state paper on the popish clergy of Ireland, 1697, enumerates 838 secular clergy and 389 regular; there are three bishops, one in Cork, one in Galway, and one in Waterford. Of course the existence of these bishops was not legally permitted. It is self-evident that if England had persecuted men *qua* Roman catholics her clearest way to end the days of the church in Ireland was to allow no bishops to remain there to exercise their functions. If there was no bishop there could be no ordination, if there was no ordination there could be no priest. 'You must know,' wrote Auersperg to Portland, 'so much of our religion that we, when bishops are missing, cannot have any more priests.' Portland assented and replied that some bishops would, if necessary, be allowed to journey to Ireland to consecrate priests. Count Auersperg sent the news of this communication immediately to the bishops in Ireland and to Rome. Hoffmann on 21 August 1698 reported that two priests who had been imprisoned finally escaped to France to the relief of the government. He related how William had paid in such cases for lodging and food abundantly while they were in custody, and even allowed prisoners out accompanied by a warder.

A careful study of Mr. Lodge's volume convinces us that it is well worthy of the admirable series to which it belongs. The author planned his chapters with a due sense of the amount of space to be occupied by each topic, and we feel sure that he could give strong reasons for his choice. Still, we cannot help wishing that the illuminating chapter upon literature and science had been longer. The fifteenth chapter, too, upon the revolution in Ireland, does not devote adequate space to the thorny questions of that period. Thus on Irish affairs after 1691 there are three pages, and for the rest of the period we have to be content with stray references. Our desire to have more guidance from Mr. Lodge on these matters we trust he will regard as a proof that we appreciate his accurate summary of the closing years of the seventeenth century. In all questions of foreign policy the writer affords us clear insight into the motives of the diplomatists

of the time, and he perceives that Louis sent James to Ireland for reasons of his own, and that he wanted to keep William in that country in order that his designs on Spain might not meet with determined opposition. We are not clear that Mr. Lodge sees in detail the results of the French policy in Ireland. Louis XIV wished to keep William there for ten years for political reasons of his own, and he therefore gave instructions to Rosen to allow of no decisive fight. Berwick's memoirs and Clarke's *Life of James II* testify to the reluctance of Rosen to fight. Thus after the battle of Newtonbutler the French general tried to persuade James to abandon Dublin and cross the Shannon. The testimony of the French dispatches is clear in describing the hesitancy of the home authorities to allow an engagement. On the eve of the battle of the Boyne Lauzun writes to Seignelay :

We stand only eight miles from the enemy, but I believe to-morrow we shall be much nearer him, without an obstacle between us but a small stream which one can everywhere wade through. And so in spite of all our care a battle is hardly to be avoided. I will, however, do all I can not to let it come to a decisive battle. For I see beforehand the consequences.

The letter of the queen to Tourville convinces us that French advice aimed at avoidance of a battle, in fact at whatever tended to delay. This plan is also seen in a report from Lauzun to Louvois :

After the landing of the Prince of Orange [he writes], in the desperate state of his [i. e. James's] affairs, the choice of two resolutions remained for the King. One was a battle. This always seemed to me impossible. The other was to set fire to Dublin, and on his retreat from place to place to devastate the land completely.

This plan seemed so cruel to the king that he could not make up his mind to it. The instructions of Louvois to the new commander, Lauzun, deserve attention. He was 'not to be carried away by the excitement of giving a sword-thrust or of winning a combat, but was to play a waiting game'. We think a perusal of the orders to Lauzun, called *Addition à l'Instruction de M. Lauzun*, February 1690, Ministère de la Guerre, and Lauzun to Louvois, 28 May (7 June) and 16/26 June 1690, leave no doubt that the Irish were to display masterly inactivity so long as this policy suited the grand monarch. Even James, as his autobiography demonstrates, came to see that only as much help was being sent from France as sufficed to keep the fire of war smouldering.

The bibliography furnishes us with a useful list of authorities, primary and secondary. The English and Scottish sections are particularly well done, but the Irish lacks some important references. Thus Mr. Lodge describes two interesting Jacobite accounts of the war in Ireland, *A Light to the Blind* and *Macariae Excidium or the Destruction of Cyprus*. There is a third which deserves mention, the journal of John Stevens, from which Ranke printed extracts in the appendices to the sixth volume of his *History of England principally in the Seventeenth Century*. Stevens gives us a vivid and accurate description of the point of view of an English Jacobite, and his pages are most damaging to James II's reputation for statesmanship. In spite of stray omissions like these we feel bound to express our high opinion of the learning, acuteness, and suggestiveness of Mr. Lodge's volume.

ROBERT H. MURRAY.

A New Account of East India and Persia, being Nine Years' Travels, 1672-81.

By JOHN FRYER. Edited with Notes and an Introduction by WILLIAM CROOKE, B.A., formerly of the Bengal Civil Service. Vol. I. (London : printed for the Hakluyt Society, 1909.)

ANY one interested in the British connexion with India has reason to be grateful to Mr. William Crooke for his courage and patience in undertaking the task of editing Dr. Fryer's travels, after an earlier attempt had failed. The first volume is so well done that we can only wish the editor an early and successful completion of his task. The style of the Travels is exceedingly uninviting, being a bad imitation of the classic style which was much in fashion in Dr. Fryer's days. But it is well worth making an effort to pass the cerberus of the forbidding style : there is a treat in store for the persevering reader in the graphic descriptions which Dr. Fryer gives of the factory life of the European settlers, and the general condition of the Indian people of his time. That was the time only a few years after Bombay passed into British possession, and when Sivaji laid the foundation of the Maratha power, which later on was to dispute, unsuccessfully, with the British the rule of India. There is an interesting account, in the second letter, of Sivaji's enthronement at Raigdarh in 1674. John Fryer was appointed to the post of surgeon in the service of the East India Company in 1672. He sailed in December of that year, reaching India in June of the following year, and returned home in August 1682. With the exception of one year, passed on deputation to Persia, he spent the whole of that time on the west coast of India. The interior of India he had no opportunity of visiting. With Madras and the east coast he made only a brief acquaintance on his first arrival. But he had an open eye for all that came in his way, especially in his professional capacity ; and his observations on Indian medicine and surgery, as practised at the time of his visit, are particularly valuable. Owing to his very limited knowledge of the vernacular, however, he was occasionally liable to be misled by his informants. Thus he tells us (p. 337) that in the fort of Junnar he was shown 'several tanks filled with butter of 400 years' standing', one of which was opened for his sake, and a present made to him 'of its black stinking and viscous balsom'. This, of course, is an exaggeration. The medical textbooks describe 'old *ghee*' as malodorous, but say that it is at most ten years old. With regard to *pan*, he says (p. 110) that the natives chew it 'for to preserve their teeth' ; but the most that mastication of *pan* is said to do in that way is to strengthen the gums. In his observations on 'the Leaf of a Cocoe' (p. 95), and 'the wine of the Cocoe' (p. 140), he is confusing the 'Toddie-Tree' (pp. 140, 196), or the *Borassus flabelliformis* palm, with the cocoa-palm. The lunar asterism *Hasta* (properly the hand, hence an elephant's trunk) he makes to mean 'the Tail of an Elephant' (p. 127), following herein apparently a Portuguese misunderstanding. The title-page of the original publication (in 1698, p. 1) contains a curious discrepancy, which is not noticed in the editor's introduction. It states that the Travels were 'begun 1672 and finished 1681', being 'Nine Years' Travels'. They were, however, as stated in the letters themselves, begun in December 1672

and ended on 20 August 1682, and included, therefore, nine years and a half. A full index, which is very desirable, may be expected to come with the concluding volume of the edition. A. F. RUDOLF HOERNLÉ.

Calendar of State Papers, Domestic Series. Edited by F. H. BLACKBURNE DANIELL, 1675-6, 1676-7, 1677-8. (London: H.M. Stationery Office, 1907, 1909, 1911.)

THE Domestic State Papers for the years 1675-8 contain a mass of miscellaneous information about the state of England during the period, but, on the whole, are of less value than those contained in the volumes dealing with the first decade of the reign. Two changes have been made which should be borne in mind. From the beginning of 1671 the Irish papers, hitherto calendared separately, have been included in the Domestic Calendars, and also a certain number of papers relating to foreign and colonial affairs. From the same date the Levant papers are no longer included (Preface to the Calendar for 1671, p. v). The second change takes place in 1673. After the duke of York resigned the office of Lord High Admiral, 15 June 1673, the papers of the Commissioners of the Navy, which mainly related to the details of naval administration, have been excluded. There is thus a considerable difference between the character of the contents of the volumes edited by Mrs. Green and those edited by Mr. Daniell. The result is that from 1670 to the end of the century the Calendars of Domestic State Papers become one of the authorities for the history of Ireland, and though the papers they contain do not compare in importance with the Ormond papers calendared for the Historical MSS. Commission, they are a very useful supplement to them. Amongst the Irish papers the Rawdon and Conway letters are, so far as these volumes are concerned, the most interesting. They are private letters which have no real connexion with the series of official documents in which they are embedded. The papers relating to Scotland during the years 1675-8 are of no great value, but add a few details as to the progress of discontent in that kingdom, and will no doubt become more numerous with the rebellion of 1679. The papers relating to the colonies concern chiefly the Indian wars in New England and Bacon's rebellion in Virginia, but add little to our knowledge of either.

As to foreign affairs, a considerable number of papers relate to the English and Scottish regiments in French service. John Harrington's case, which came before the House of Commons, shows some of the abuses connected with the method in which these regiments were raised (*Calendar*, 1677-8, pp. 14, 22, 27). The protest of the Dutch ambassador Beuninghen against allowing English subjects to serve France against Holland is printed at length, as also that of Borgomainero, the Spanish ambassador (ib. pp. 341, 346). At the close of 1677 English feeling was becoming more hostile to France every day. Under 20 December 1677 there is a summary of the discussion of a committee on the naval preparations needful for a war in alliance with the Dutch against the French (p. 516), Williamson was apparently anxious that England should confine herself to diplomatic action (p. 517). On the other hand, Danby was strongly in favour of a

more vigorous policy. The seven letters from that minister to the prince of Orange, written mainly in January and February 1678, are of great value, and they are accompanied by eleven letters from the duke of York to his son-in-law written about the same time. These come from the collection known as 'King William's Chest', namely, the private correspondence of that sovereign, which finally found its way to the State Paper Office. Dalrymple, as Mr. Daniell points out, printed these letters of the duke of York's, but he only printed one of Danby's, and the rest are new. Mr. Daniell, however, has not noticed that part of the correspondence of Orange with his supporters in England was left in Holland. Many letters belonging to the series contained in 'King William's Chest' are printed in Groen van Prinsterer's *Archives de la Maison d'Orange-Nassau*, second series, vol. v. In particular there are two letters of Danby's dated 23 November and 4 December 1677 which lead up to those in the *Calendar*.

Of Shaftesbury, Danby's great antagonist, there are occasional glimpses. An account by Williamson of a conversation with Shaftesbury on 16 February 1676, when Charles sent the earl by the secretary an order to leave London, is of great interest, and escaped Christie's researches. Shaftesbury was imprisoned in the Tower from February 1677 to February 1678, and another paper gives a complete list of his visitors during his confinement, showing that he was allowed to see many of the leaders of the opposition (*Calendar*, 1677-8, p. 267).

The increasing severity of the government towards the nonconformists comes out very plainly in these volumes, and can be best studied in connexion with their history in Bristol and Norwich, the second and third city in England in point of size at that time. That disaffection was steadily increasing the number of seditious pamphlets noticed clearly shows. There is much on L'Estrange's activity in suppressing them, and there are several references to Marvell's damaging attacks on the government. Mr. Daniell has not observed that the 'libel counterfeiting a speech of the King's', which he prints on p. 64 of the *Calendar* for 1675-6, is usually attributed to Marvell, and may be found in full in Grosart's edition of his works. Another illustration of the growth of disaffection is shown by the abortive attempt of the government to suppress coffee-houses, which took place at the end of 1675. The 'coffee-house conversation' printed is an example of the seditious talk which went on in those places of resort, though possibly merely an amusing fiction. The notes on a debate about the coffee houses in the Privy Council, taken by secretary Williamson, explains the reasons why the regulation of those institutions was substituted for their suppression (*Calendar*, 1675-6, pp. 473, 497). Mr. E. F. Robinson's *Early History of Coffee Houses in England*, published in 1893, does not mention these two contributions to the subject of his book.

In all three volumes there are a considerable number of papers relating to Oxford and Cambridge, partly owing to the fact that the duke of Monmouth was Chancellor of Cambridge, and partly owing to the fact that secretary Williamson's private correspondence with his friends at Queen's College and elsewhere came into the State Paper Office at the same time as his official papers. Amongst them is an interesting letter from Hyde, the librarian of the Bodleian, about his labours on the catalogue of printed

books in the library, and his desire to spend his time on 'Eastern learning' instead of cataloguing (*Calendar*, 1675-6, p. 295). The comparative unimportance of Williamson's official papers is partly explained by the subordinate position occupied by the secretaries of state at this time. A memorandum by Williamson complains that during 1675 and 1676 the secretaries of state were not generally summoned to the meetings in which the policy of the government during the ensuing sessions of parliament was discussed and determined (*Calendar*, 1676-7, p. 480). Hence, though Williamson preserved his papers with exemplary care, they do not throw much light on the secrets of Charles the Second's policy.

Mr. Daniell has calendared their progress very carefully, and gives in his introductions an excellent analysis of their contents. The headlines and sub-divisions in the introduction to the last are an innovation which will be a great assistance to readers. On the other hand, he does not realize how very trivial many of the papers calendared are, and does not abridge them sufficiently, and in summarising them, he too often uses lengthy phrases and unnecessary words. The 700 pages in the last volume could with great advantage have been reduced to 500 or less. C. H. FIRTH.

Calendar of State Papers, Colonial Series, America and West Indies, 1701.

Edited by CECIL HEADLAM. (London: H.M. Stationery Office, 1910.)

A VOLUME of 750 pages, dealing with the events of a single year, attests the activity of the Board of Trade and of its correspondents. Throughout 1701 the coming war cast its shadow before; and the Board of Trade might well be anxious as evidence accumulated how ill-fitted in every way were the English colonies to withstand a French attack. When the other provinces were asked for contributions towards the support of the New York frontier, the natural road for an invading army from Canada, the Virginian Assembly solemnly resolved *nemine contradicente* that the royal letter had been obtained by misrepresentations, made by the people of New York, so as to enable them to erect and maintain forts for the security of their Indian trade—forts erected on the frontiers of New York were no security to Virginia—and the example set by the oldest and most important of the provinces was promptly followed by the other colonies. In the same spirit Barbadoes refused to stir a finger on behalf of the Leeward Islands. 'I am very well satisfied,' wrote Governor Codrington,

that Barbadoes has no inclination to serve or save these islands, nor have one of these islands to help each another, because if a sugar island be lost so much the less of the commodity is made, and consequently y^e price is raised.

But the fault did not wholly lie with the colonists. The home government showed themselves in their way equally short-sighted and equally wrong-headed. Lord Bellomont died in March 1701, leaving, at a most critical moment, the important governments of New York and Massachusetts both vacant. Much could be said for a return to the old practice of dividing these commands; but in both cases the choice made of a governor was singularly unfortunate. It is fair to the Board of Trade to note that in both cases the appointments seem to have been made behind

their back through private influence. Edward Hyde, Lord Cornbury, was a near relative of the late Queen Mary, and having been bred at Geneva might seem a *persona grata* to colonial dissenters; but unhappily he lacked common honesty, and although his misdoings belong to future volumes, we find him already in 1701 incurring the just criticism of the Board of Trade for his delay in starting for New York, for an attempt to obtain private profit out of the soldiers' outfits, and for the selection as secretary of a man of damaged reputation. Mr. Headlam states that the documents here calendared throw no light upon the reasons of Joseph Dudley's appointment to Massachusetts, but a reference to Hutchinson's history would have explained the matter. It was owing to the adroit manner in which he secured for himself the English dissenting interest and kept the king and his advisers in the dark with respect to the true opinion of him held in America. In fact he recalled to the Massachusetts stalwarts all that was most hateful in the Andros régime. Moreover, he was made governor at a time when the special commissioner, to deal with cases of piracy, reported:

There is not a gentleman that comes here [to Boston] upon any service for H. M., but what is really obnoxious to the people of the country. They hate the very thought of a King or King by [evidently 'Kingly'] Government, and it is fear'd, if some care be not taken for asserting H. M. power and right here, and putting his orders in execution, they will in a short time set up a government by themselves.

These things, however, had to be left to the decision of the future; the more pressing question was how to abate the mischief of the proprietary governments. In a considered report the Board of Trade maintained that those colonies had no ways answered the chief design for which such large tracts of land and such privileges and immunities had been granted by the crown. They had not conformed themselves to the Acts of Trade. They had delayed appeals, and were the refuge and retreat of pirates and unlawful traders and the receptacle of goods imported from foreign parts contrary to law. These independent colonies turned the course of trade to the promoting and propagating woollen and other manufactures proper to England. They did not, in general, take any care for their own defence and security. Many of them had not a regular militia, and some, notably the Jerseys, were in a state of anarchy and confusion. In this state of things a bill was introduced into the House of Lords, and passed its second reading, 'for reuniting to the Crown the government of several Colonies in America.' But the bill was afterwards dropped; and the sole achievement of the year in this direction was the renunciation of their governmental rights, or alleged rights, by the proprietors of the Jerseys.

On the smaller stage of the Leeward Islands we find in Codrington no little of the breezy and naïf self-confidence of Lord Bellomont.

As to my conduct here [Antigua] I am told by those who, I believe, deal sincerely with me, that it has given me the esteem of all the honest men, and, if it has made some overgrown knaves angry with me, I thought at least they would have the sense to keep their own infamy to themselves. . . . It was said by some of the best men at Nevis that I dispatch more business and did more justice in three weeks than had been done in thirty years before. . . . All that I am solicitous about is my reputation; as to the government tis both a charge and a trouble to me; all the advantages of it don't pay for the very wine the masters of ships drink who come to report to me.

... The short of my case is this, I think I have acted with the sincerity of a magistrate in a Platonick Commonwealth, I have had no views but what centered in the public good; I have refused all presents, publick and private; I have defended the poor against the rich, and done justice to servants against their masters, where I was able; I have disoblged the busy and intriguing by a rigorous and impartial exaction of the Act of Trade. . . . I must beg your Lordships to send me another Attorney-General upon whose advice I may securely depend, for here are some little animals who call themselves lawyers and talk to me sometimes of pleas, demurrers, errors and exceptions, which I understand as little as they do. When I can bring cases to a fair and short bill and answer, I believe nobody will have reason to complain of my decrees in equity.

(It was a curious irony of fate that made this contemner of the mere lawyer the founder of the Codrington library at All Souls College.) How necessary was the exercise of extreme vigilance over the laws passed by the West Indian oligarchies may be seen by a measure passed by the Nevis Assembly and disallowed at home, which enabled field officers and captains, in time of peace, to take away by martial law the lives of slaves transgressing certain military regulations. On the murder of one Major Martin by his negroes, Codrington comments:

I'm afraid he was guilty of some unusual acts of severity, or rather some indignity towards the Corsmantes, for they are not only the best and most faithful of our slaves, but are really all born heroes. There is a difference between them and all other negroes beyond what 'tis possible for your lordships to conceive. There never was a raskal or coward of that nation, intrepid to the last degree, not a man of them but will stand to be cut to pieces without a sigh or groan, grateful and obedient to a kind master, but implacably revengeful when ill-treated. . . . I am so far from being surpris'd at what has happened, that I often wonder there are not attempts of the same nature every day!

It is natural to find Codrington echoing the complaints of Bellomont. 'Whilst governors,' he wrote,

are dependent on their assemblies, the Acts of Trade will never be observ'd. . . . If you knew who were the leading men in the several assemblies, you would be convinced that governors ought to have better salaries, and not permitted to take any presents from the people. Whilst they doe, there will be illegal indulgences in point of trade, justice will be bought and sold, Chancery suits protracted, and the poor opprest.

Again:

I must take the liberty to say in respect of governors who come abroad to make their fortunes, . . . that Acts of Trade, Instructions and all your Lordships wise and good orders to them are *verba ael praeterea nihil*.

In one respect 1701 marked a distinct improvement upon its immediate predecessors. Although the colonists were still charged with aiding and abetting piracy, it is clear that the measures taken for its suppression had met with success, and that the mischief was on the wane.

There is always another side to every shield, and it is curious to find a petition from members of the church of England complaining of intolerance in the colony the fundamental principle of which was complete toleration. The only pity with regard to these calendars is that, at the present rate of progress, nearly three generations may elapse before the work comes down to the American revolution. But this is not the fault of their industrious and able editor.

H. E. EGERTON.

England under the Hanoverians. By C. GRANT ROBERTSON. (London: Methuen, 1911.)

MANY are the difficulties which attend the attempt to write a history of England between the years 1714 and 1815; and Mr. Robertson is to be congratulated upon having performed a by no means easy task with conspicuous skill. Not the least of the obstacles in the way of success is the problem of selection; and there is a real danger that a conscientious and learned writer may so crowd his pages with facts and names as to confuse all save a few specialists on the period. It is to Mr. Robertson's credit that he has avoided this trap; and that, while nothing of the first importance is omitted, he has yet contrived to present an account which can be read with profit and interest. It is true that as we read we are conscious that certain parts of the drama are being hurried, that certain topics might receive fuller treatment, and that the author is suffering under the limitations of space; but Mr. Robertson has successfully accomplished what he aimed to do—'to trace the ordered development of an imperial, constitutional, and industrial state, the foundations of which were laid when George I ascended the throne, and to show how far the structure of that state had been modified or advanced when Napoleon was overthrown in 1815.'

Not the least interesting portion of the book is that devoted to constitutional growth and development, for too long has that aspect of the eighteenth century been neglected. It is under the Hanoverians that we have the development of parliamentary monarchy and ministerial government. The revolution settlement, imperfect enough in itself, is carried to its logical conclusion by men who seemingly were often unaware of the goal to which they were tending; and by 1815 the cabinet, which on the accession of George I was a body closely connected with the monarchy, and only enjoying a very precarious existence, had obtained a position not very unlike that which it occupies at the present day. An era which saw these changes, and in which our modern constitution was shaped and moulded, cannot be reckoned as unimportant; and if the author has not been able to throw light upon the very dark places in the history of the cabinet, he has at least availed himself to the full of all the knowledge at present at our disposal. Moreover, he has brought into clear relief the constitutional importance of the parliamentary opposition in the eighteenth century. Influenced by the great whig writers who have devoted themselves to a study of the period, we are apt to think of the men who struggled against Walpole, and drove him into war with Spain, as mere factious politicians, contending not for principles but for places; and the indictment up to a point is true enough. Yet much as selfish greed may have entered into their design, and baneful as their efforts undoubtedly were, they are far too important to be despised; for by their success they gave a demonstration of the then rather novel truth that the success of an opposition depended upon the support of the nation. However gifted men might be as orators, however renowned as enlightened statesmen, it was in vain for them, unaided and alone, to attack an administration which supported itself upon a bribed and cor-

rupted house of commons : the onslaught must be made upon a question which would commend itself to the interest of the nation, and thus an appeal made from a subservient parliament to an unenlightened people. It was this essential fact that Walpole's opponents grasped when they raised the cry for Spain to abandon the right of search. England, they knew, was behind them, and thus, as Mr. Robertson points out, 'the Spanish war emphasizes the rise of a new and inarticulate feeling in the nation which Pitt and the opposition voiced if they selected an illegitimate opportunity for proclaiming the fact.' Nor is this the only instance of the pressure of public opinion in an age during which the voice of the nation has been thought to have been silenced by the raucous cries of borough-brokers and their like. The abandonment of the Excise Bill, the repeal of the Jewish Naturalization Act, and the fall of Newcastle in 1756 all alike witness to the triumphant strength of an alliance between a parliamentary opposition and the country ; and in the light of these instances it seems that the effect of the reform bills of the nineteenth century has not been to create a new political force, but to make constant and systematic what before was occasional and spasmodic.

Many of Mr. Robertson's judgements upon men and events are of interest, and some of them, which is no demerit, run counter to generally received opinion. Thus we are told that the connexion with Hanover under the first two Georges 'cannot be proved to have worked detrimentally to British prosperity', a statement of which the truth depends a good deal upon what is included under prosperity ; and doubt is also thrown upon the wisdom of the Jacobite retreat from Derby, the reasons generally put forward in support of it being pronounced 'plausible but not convincing'. At this distance of time it is impossible to be dogmatic upon such a point, but it would seem as though there was more to be urged against the retreat than has sometimes been admitted. It was a confession of failure which could not but have a discouraging and therefore demoralizing effect ; and even if Charles Edward had pushed on and suffered a crushing defeat before he reached the capital, 'his fate would have been no worse than the disaster that awaited him and his Highlanders in the spring of 1746.'

In any history of the eighteenth century individuals must loom large, for it is an era, if not of heroic, at least of great men. Stanhope, Carteret, the two Pitts, and even the much despised and caricatured duke of Newcastle cannot be dismissed in a phrase ; and these statesmen have no ground for complaint in the treatment they receive in this work. Their virtues are not exaggerated and their faults not condoned. Stanhope's merit is recognized, and the recognition is all the more valuable from being unwonted ; the serious defects of Carteret as a statesman, his neglect of public opinion, and his contemptuous but ill-judged disregard of the sordid machinery of parliamentary government, are duly noted ; and Newcastle is acclaimed for his industry and genuine, if misguided, public spirit. Far greater than any of these was Chatham, and his work receives the attention that it deserves. His foreign policy is admirably summarized, his alliance with Prussia being shown, not merely as an attempt to keep France employed on the continent while England was gaining the New

World, but as an essential element in the design of averting the danger of a Bourbon supremacy in Europe. 'A France beaten in North America,' writes Mr. Robertson, 'but in alliance with a victorious coalition in Europe, meant the isolation of Great Britain and the total destruction of the Balance of Power in Europe, without which the British Empire as a State system could not exist.' This is true enough, and explains not only Chatham's opposition to the policy of Bute, who only saw in the continental war a useless drain of English men and money, but also his own action in 1766 when, having returned to office, he immediately endeavoured to renew the alliance with Prussia. His failure in this attempt was undoubtedly a very great blow, and may well have been a contributory cause to his breakdown in health in the following year. Nor was his mortification unjustified. With the insight of a true statesman, he realized that a Bourbon supremacy in Europe, however temporary it might be, was a real and pressing danger to this country, and that the Prussian alliance was by far the best safeguard against it.

Yet if Chatham is given the praise as a foreign minister which is his due, his defects as a domestic politician are not slurred over. Indeed, in this field Chatham was at his worst, doing not a little to facilitate the execution of the designs of George III by refusing, until too late, to ally himself with the whig opposition to the court. For this he is justly censured, and few would now deny that he was guilty of a serious and indeed a fatal blunder; but it should be remembered in his favour that he was not influenced by petty spite or personal antagonism, but by political principle. Much as there was in common between him and the followers of Lord Rockingham, the latter were the champions of the system of party government which he had come to regard as detrimental to the best interests of the country. Failing to understand the problem which presented itself for solution, he threw in his lot with the monarchy with the intention of destroying an oligarchy, and then discovered that he had assisted to destroy the country.

In conclusion, it may be suggested that Mr. Robertson would have been wise to refrain from introducing into his work so many of the well-worn phrases of the period. This is, of course, a matter of opinion, but it is difficult to understand the necessity of dragging in witticisms which, whatever their intrinsic merit, cannot at least claim to possess the charm of novelty. It is now rather late in the day to be told what Sir Robert Walpole said when he heard the church bells ringing, and Horace Walpole's reference to the rain of gold boxes has surely by this time earned a well-deserved rest.

D. A. WINSTANLEY.

The Republican Tradition in Europe. By H. A. L. FISHER, M.A. (London: Methuen, 1911).

L'Idée Républicaine dans les Pays monarchiques de l'Europe. Par ROBERT MEYNADIER (Paris: Alcan, 1911).

ALTHOUGH the themes of these volumes are closely akin, that of Mr. Fisher's is really the more difficult. M. Meynadier has written a complete account of whatever republican ideas have ruffled the surface of politics in certain

European states within the last century. Mr. Fisher's lectures at the Lowell Institute, 'substantially represented' by the book before us, purport to deal with 'the republican tradition in Europe', and this is a larger task, as it is doubtful if there ever has been a genuine republican tradition at all. In any event, its interest is now almost entirely historical, for, as M. Hanotaux points out in his preface to M. Meynadier's work, the constitutional interests of the earlier part of the nineteenth century gave way in popular estimation to the electoral experiments of the next generation, and these in turn have now been superseded by practical and concrete questions, mainly of a social or economic type. The European of to-day, even if he be of a Latin race, is no doctrinaire, and regards the mere outward manifestation of political sovereignty as a matter of comparatively small importance. M. Meynadier relates the fortunes of republican parties and cliques in Spain, Italy, Hungary, Belgium, and Holland. He has no doubt that republicanism as a creed is dead; should it ever reassert itself in monarchical Europe, it would be merely as a constitutional expedient, made necessary in the course of some socialistic endeavour. In Spain it only survives as a protest against clericalism; in Holland 'it is an anachronism'. In Italy and Hungary the crown has proved itself the only agency by which unity can be won and retained; in Belgium it is the single bond between the Flemish and Walloon elements. Whatever republicans have promised, limited monarchies have achieved.

The want of any real unity in republican annals in Europe, even during the periods antecedent to those dealt with by M. Meynadier, is apparent in Mr. Fisher's earlier chapters. The systems of Venice, the Swiss cantons, the United Provinces, and Puritan England, were severally opportunist and accidental in their origins, and in no way associated with the consciously democratic statecraft of the American and French republicans of the eighteenth century. Mr. Fisher sees and explains this clearly. William of Orange, he says (p. 37), 'was the most conservative of men and he led the most conservative of races.' The earlier republics 'rose out of practical grievances and were the work of men steering to no certain goal' (p. 51). Most of them were aristocracies. Republicanism became for the first time a creed and a philosophy when the old régime in France fell. Mr. Fisher ascribes to the exclusively classical tenor of French education the tendency at that time to draw inspiration from the ideals of Cicero and Plutarch. In actual fact, there could be no true analogy between a city state of antiquity resting on a servile basis, and a democratic republic based on the rights of man.

The greater portion of Mr. Fisher's book is given up to short histories of the various republican experiments made by continental nations in the course of the nineteenth century. The record of republicanism in France naturally occupies most ground, and it is in these pages that the writer's wide knowledge and power of discernment find fullest scope. The descriptions of Thiers and Gambetta, whom he characterizes as respectively the founder and the prophet of the third republic, are particularly acute and convincing, but indeed the whole of the chapters dealing with France are admirable. Those treating republicanism in Italy, Ger-

many, and Spain are much more sketchy and conventional; for valuable details as to the first and last named of these countries we have to turn to M. Meynadier's pages; the only noteworthy passage in Mr. Fisher's is his account of Castelar. Finally, Mr. Fisher comes back to 'the republican cause', illustrates from the Norwegian crisis of 1905 its significant decline, and explains what agencies have contributed to the steady appreciation of the monarchical idea in our own times. It is the only possible centre for a scattered empire; it is a strong factor for peace and stability; it has proved itself to be quite compatible with democracy. Utility, not logic, being the governing motive of modern political action, there is now no 'republican cause' in Europe, in the same sense as there was an Imperial cause in the middle ages, or a Stuart cause, or a Napoleonic cause. 'Its ideals have been appropriated and fused with more or less of completeness into the political system of Europe' (p. 284). Both Mr. Fisher and M. Meynadier have written on contentious topics with great judgement and detachment.

GERALD B. HERTZ.

Contributions à l'Histoire religieuse de la Révolution française. Par ALBERT MATHIEZ. (Paris: Alcan, 1907.)

Rome et le Clergé français sous la Constituante. Par ALBERT MATHIEZ. (Paris: Alcan, 1911.)

THE former of these two volumes consists of a number of articles which M. Mathiez contributed, at various times between 1901 and the date of publication, to periodicals such as the *Révolution française*, the *Revue d'histoire moderne*, and the *Revue de Paris*. M. Mathiez claims that the time has come when the religious history of the revolution may be revised in such a way that agreement may be attained between the catholics, protestants, freethinkers, and Jews, and the articles appear to be an attempt not merely to carry out this programme of revision, but also to bring to light various phases of the religious history of the revolution which in the popular mind are too often neglected. Thus the first article illustrates the triumph of the Roman church. Durand de Maillane, a strong Gallican under the constituent assembly, was converted to strong ultramontanist under the empire. The second article, a study of the case of Catherine Théot, illustrates the survival of the hysterical element in religion under the Terror, while it affords M. Mathiez an opportunity of vindicating his hero, Robespierre, from the accusations made against him by the committee of general security. Chaumette as a freemason illustrates the religious character of French freemasonry at the end of the eighteenth century, and enables M. Mathiez to revive the somewhat naïve suggestion that because Louis XVI, Louis XVIII, and Charles X had all been freemasons, and because the restored king favourably acknowledged contributions of money made by masonic societies for patriotic purposes in 1816, therefore the charges of political agitation levelled nowadays against the freemasons are groundless. As the reader continues his perusal of the book, the anticlerical tinge becomes more pronounced, and the next article, on protestantism and theophilanthropy, closely compares the two cults. Their similarities in the externals of public worship are brought

out, and M. Mathiez appears to be surprised that religions so similar in appearance should have shown so little sympathy to one another. Seeing that theophilanthropy was essentially tolerant, the failure to effect a reunion between a Christian and a non-Christian religion must obviously be ascribed to the intolerance of the Christians. The last article provides the most unpalatable food for the catholics of to-day, and is a luminous exposition of the factions that existed among the orthodox nonjuring catholics in France. The idea that they remained united in their opposition to the revolution, an idea which is commonly received, ought never to be held again in view of this study of the attitude of the *émigrés* bishops towards the oath of fidelity to the principles of liberty and equality, and the promise of submission to the constitution. M. Mathiez cannot expect to escape from a charge of anticlericalism, if he writes on such a subject, and perhaps he would be the first to acknowledge its truth; but he will pardon a suggestion that he should be careful to remember that a distinction can be drawn between clericalism and Christianity.

The second volume is a continuous history, well illustrated by documentary evidence, and well up to the standard we have been led to expect from the author. M. Mathiez addresses himself to the question, who was responsible for the schism of 1791? Hitherto the blame has been laid by the vast majority of historians at the door of the constituent assembly. The pope and the French clergy, it has been urged, could not have acted otherwise than they did in the face of the civil constitution. M. Mathiez, following the line of that stout champion of anticlerical history, M. Edmé Champion, holds that the blame must lie with Bernis and the pope, with Florida Blanca in the last scenes as the serpent in the diplomatic paradise. He shows with great plausibility that as late as September 1790, the French bishops, who were hand in glove with Montmorin, were anxious that the pope should 'provisionally baptize' the civil constitution of the clergy. So likely a contingency was this held to be in France, that the assembly deliberately refrained from passing to severe measures in order that Montmorin might have a free hand in the negotiations with Rome, and such confidence had the assembly in Montmorin's skill that they maintained him in place when it forced the king to dismiss the other ministers. Yet, says M. Mathiez, this fair prospect of the pope recognizing the civil constitution, at least provisionally, was blasted by the greed of the court of Rome, which, faithful to its traditions, mixed up spiritual matters with temporal, and because the pope's subjects in Avignon revolted, refused to fall in with the urgent requests of the French bishops for an accommodation. A fatal delay followed the passing of the civil constitution, and at last the decree of 27 November imposed the oath on all '*fonctionnaires publics*'. Even then, the bishops did not, according to M. Mathiez, consider the matter hopeless, and when the pope, passing from one extreme to another, proceeded to issue brief after brief vehemently denouncing the assembly and all its works, even then they suppressed the brief of 10 March till the beginning of May, in the hope that a *modus vivendi* might be obtained. But by that time affairs in Avignon had gone from bad to worse; French troops had occupied the town, and, when they were withdrawn by the French government as a sign of its desire to

continue negotiations with the pope, confusion had followed. Finally, the demand of the Avignonese for annexation led to the withdrawal of the nuncio, and the rupture in temporal matters was complete. In spiritual matters the situation had been hopeless from April 1791 onwards, and in May the bishops replied with a document which M. Mathiez interprets as a veiled reproach to the pope for his violence, and as casting all the responsibility for the rupture on the court of Rome. It is interesting to note, in passing, that M. Mathiez maintains that the curia was right in holding that the vast majority of the French clergy refused or retracted the oath, and that M. Sagnac did not make sufficient allowance for those who were not 'fonctionnaires publics'.

M. Mathiez has made out a *prima facie* case: the letters of Montmorin which he prints certainly cannot be interpreted as other than very clear warnings to the pope that the bishops are prepared to accept the civil constitution if the pope will only allow them to do so. And this is undoubtedly confirmed by the utterances and correspondence of the bishops themselves. The responsibility for the rupture certainly seems to lie at the door of Pius VI, and possibly of Bernis, who was in a position to play a double game, and by no means above doing so. Whether the motives that actuated the pope were anger at the French policy in Avignon is more difficult to determine. All that we would say is that there is a very suspicious coincidence of circumstances.

L. G. WICKHAM LEGG.

Napoléon I^{er} et le Monopole Universitaire. Par A. AULARD. (Paris: Colin, 1911).

M. AULARD erroneously believes that the medieval universities of Paris and Bologna were so called 'parce qu'on y enseignait en une même ville toutes les études, toutes les disciplines d'alors'. But as he is writing not upon medieval universities, but upon the much debated educational policy of the consulate and the empire, this is a very harmless heresy. To understand the Napoleonic university it is not necessary to master the medieval doctrine of the corporation, and M. Aulard's business is not with Abelard or Sinibaldus Fiscus but with Napoleon. Here he is at home, and he has written a little masterpiece upon a burning question. He does not, indeed, argue either for or against a state monopoly in education. He is content to examine the facts and to summarize the conclusions which arise directly from them. The condition of education under the directory, the influence of the legislation of the consulate upon every part of the educational structure—primary schools, secondary schools, lycées, universities, Institute—are successively described before we pass on to consider the foundation of the imperial university in 1806. How that university came to be founded, how it was organized, what were its governing principles, and what its influence upon French education as a whole form the sequel of the story and the principal matter of M. Aulard's instructive volume.

The idea of a state university controlling the entire educational system of a country was not peculiar to Napoleon or original in him. It had been formulated by Turgot in his *Mémoire au Roi sur les Municipalités*,

was the avowed ideal of the constituent assembly, and was realized in the academy of Turin, the very city from which Napoleon in 1805 issued his instructions to Fourcroy to make that general inspection of the lycées in France which directly led to the creation of the university. It is, indeed, one of M. Aulard's principal conclusions that the Napoleonic university was not a sudden deduction from first principles, but a slow response to the lessons of practical life—*le perfectionnement des institutions scolaires existantes*. The success of the lycée was compromised by private competition, and to safeguard the lycée Napoleon was obliged to invent the university.

The Napoleonic scheme of education has sometimes been represented as marking a clerical reaction against the spirit of the French revolution. 'L'homme sans Dieu je l'ai vu à l'œuvre depuis 1793! Cet homme-là, on ne le gouverne pas, on le mitraille; de cet homme-là j'en ai assez! Ah! et c'est cet homme-là que vous voudrez faire sortir des mes lycées? Non, non; pour former l'homme qu'il nous faut, je me mettrai avec Dieu; car il s'agit de créer, et vous n'avez pas encore trouvé le pouvoir créateur, apparemment!' But although Napoleon made the catholic religion the basis of state instruction, and introduced the *aumonier* into the *lycée*, he gave physical science a very much greater place in the scheme of secondary instruction than it possessed in 1789, and it was certainly no part of his intention to clericalize the university. It is true that distinguished clerics became university functionaries; but there is a good deal of force in M. Aulard's contention that such appointments tended to withdraw the control of national education from the Roman church, and that whatever may be said of the inadequacy of university education or of the clericalism of primary education under the Empire, the secondary education was neither clerical nor inadequate; and in the eyes of the statesmen of that age, secondary education, the education of the *bourgeoisie*, was the thing which mattered most. Finally M. Aulard's little book may be taken as disproof of the doctrine that sovereign power is necessarily indivisible. Even Napoleon could not control Fontanes or suppress the competition of private schools. The university which was created to be the great instrument of empire thwarted his designs and contributed to his fall. A state monopoly of educational supply proved to be a dream which even the most powerful despotism in Europe could not translate into practice. As early as 1806, Fourcroy reported that the military tone of the lycée was frightening the parent, and the frightened parent of 1806 was succeeded by the indignant parent of 1814. H. A. L. FISHER.

Geschichte der freien Stadt Frankfurt a. M. (1814-66). Von RICHARD SCHWEMER. I. (Frankfurt a. M.: Baer, 1910.)

THE particular point of view from which the history of Frankfurt is here presented by the Municipal Historical Commission is the development of its constitution since the restitution of its liberty after having been merged in the Napoleonic grand duchy called after it. And, indeed, the significance of its constitutional history at that time deserves to be considered as altogether unique. In the monarchical German states and in the three

Hanse towns the governments acknowledged by the Congress of Vienna were legally identical with bodies in existence long before the dissolution of the Empire. The declaration of Frankfort's political independence in the forty-sixth article of the *Akte* of the Congress (9 June 1815) did not contain any settlement of its constitution. In consequence the rearrangement of government between the traditions of the imperial town and those of the 'primatistic' capital called forth, on a small, but for this very reason exceedingly exemplary scale, all the different forces and tendencies at work in the building of modern Germany.

In an opening volume going down to 1820 only, Professor Schwemer sketches just these constitutional struggles by means of a narrative which is lively and fluent, without, however, always paying due attention to the less personal, but on this account more material, sides of the problems involved. It is fortunate that in most cases the facts speak for themselves, and a welcome appendix of documents sometimes gives information which supplements the text. The central point, to which the author strangely does least justice, is the contrast between the modern constitutional idea of the French Revolution represented by Stein, who at the head of the *Zentralverwaltung* of the allies of 1813 reinstated and perhaps saved from the greed of Bavaria the self-government of Frankfort, and the reaction embodied in the organs of the old German constitution. Indeed there seems to be some difficulty for the German to-day in realizing the intimate connexion in which the heroes of the German wars of independence stood with the political ideals of their enemy. Thus the beautiful letter of Fritz Schlosser to Goethe, of December 13, 1813, which Professor Schwemer rightly puts as a kind of motto at the beginning of chapter ii, is certainly misinterpreted by him (p. 46) as a denunciation of the Dalberg party; the 'durch Reichthum und Luxus ertöteten Stände' he was frightened of were those who would (and to a large extent did) come to the fore by a 'natürlich doch bloss formelle Wiedererrichtung alter Verhältnisse'. Max Lehmann's much-contested picture of Stein the revolutionary is curiously completed by his attitude in not only proposing, by his decision of 19 July 1814, for the new constitution the parliamentary principle of his Prussian *Städteordnung*, but publishing this proposal against the will of the senate (p. 96); the correspondence between the head of the provisional civil government, the Austrian Baron Hügel, and Hardenberg, printed in the appendix (p. 376 f.), strikingly illustrates the terrifying effect of this blow on the reaction. Even the Prussian minister at Frankfort, Otterstedt, tried to gain over public opinion by an assurance in the press of his king's constitutional inclinations (p. 174).

The description of the events which led to the completion of the new constitution by the *Ergänzungsakte* of 19 July 1816 might have been made clearer by distinguishing the class interests at play, and especially by pointing out the underlying unity between the apparently divergent procedures of the senate and *Bürgerkolleg*. It is noticeable that the small and powerless progressive minority in the former should have been led by Stein's friend and Dalberg's official, Ihm. Professor Schwemer (p. 244) seems to subscribe to Otterstedt's superficial verdict on the *Inkonsequenz* of the population vainly trying to cripple, with the help of a doubly indirect

franchise, the influence of the thirteen oligarchic creators of the *Ergänzungsakte*, but on the whole the resulting caricature of a popular representation, the *Gesetzgebender Körper*, must to him, too, seem a fatally consistent process. The burning, on 20 January 1819, of the archives of the property-tax of 1792-6 after its replacement by an inefficient income-tax is an *auto-da-fé* which symbolizes the triumph of capitalism.

C. BRINKMANN.

Geschichte Europas von 1830 bis 1848. Von ALFRED STERN. II, III. (Stuttgart: Cotta, 1911.)

THE last two volumes of Professor Stern's elaborate work upon the history of the nineteenth century exhibit all the qualities which have given him so high a reputation among modern historians, full and overflowing information, temperate and substantial judgement, and a singular evenness in execution over a wide field of affairs. After the wilful rhetoric of Treitschke it is a relief to find the history of modern Germany treated in a cool spirit and with a temperate though restrained sympathy with liberal ideas. Professor Stern does not work in colours. He writes a plain, rather heavy German, and makes no concessions to party feeling or to the appetite for backstair gossip. On the other hand he has the sovereign virtue of inspiring confidence. We feel that we are in the hands of a man who is searching for the balanced estimate, for the word above controversy, for the exact sequence of events. A studious desire to be fair and passionless is evident in every page.

The outstanding feature about Professor Stern's learning is that it is largely drawn from foreign office archives. We are constantly referred to unpublished diplomatic reports lying in the archives of Paris, Berlin, Vienna, Copenhagen, and other European cities, and in this respect are reminded of Ranke, who rewrote the history of the sixteenth and seventeenth centuries from an elaborate study of similar material. Indeed, Professor Stern's volumes enable us to get a very good idea of the amount and quality of illumination which a student of European history in the nineteenth century may expect to derive from unpublished diplomatic dispatches. And the conclusion which seems to emerge is that the information so derived, though often interesting, is seldom, for this century, of primary importance. For Ranke, dealing with an earlier age, this class of material constitutes the marrow and backbone of the fabric; but Professor Stern's history might have been almost as instructive as it is if he had never walked into the Staats-Archiv of Berlin or the Affaires Étrangères of Paris. The truth is that the rage for published memoirs, the growth of newspapers, the spread of parliamentary government, and the development of an intelligent curiosity about political affairs, render it increasingly difficult to keep important state secrets for a great length of time. The vital secrets of modern European politics (such, for instance, as the inner history of the Jameson raid or the terms of the Franco-Russian alliance) might be numbered on the fingers of one hand. Nor is it likely that the privilege of first divulging them will be often reserved to the academic historian. Sybel was given a rare chance. In general the harvest

is first reaped by the daily paper, and it is only when the journalist has garnered his sheaves that the historian is admitted to the field for the gleaning.

In saying this we do not mean in any way to disparage the value of Professor Stern's researches in European archives. Even if the result were purely negative, such an examination as he has conducted would be a service to history. But, of course, the result is far from being purely negative. Even if we are not asked to revise our general estimate of men and affairs in the light of some dark intrigue or secret treaty now for the first time brought to light, these papers, reporting as they do the rumours, the impressions, the opinions, the conversation of persons stationed near the wheel of affairs, do provide a number of interesting marginal glosses and footnotes to history. And this is specially the case where the papers refer to the affairs of the lesser known countries, such as Russia and Spain, where linguistic or constitutional barriers obstruct the vision of the western observer. A few instances taken at random may serve to show the type of information which Professor Stern has derived from this department of his labours. The dispatches of Jentsch, lying in Berlin, exhibit the Anglophil tendencies and personal dishonesty of Mendizabal, and add new details respecting the fall from power of 'the Spanish Necker'. The correspondence of Apponyi in the Viennese archives shows Louis Philippe distrustful of Swiss republicanism in 1836, terribly embarrassed by the political situation in 1839, at sharp variance with Thiers over the eastern question in 1840, and professing to believe in 1847 that England was plotting to put Louis Bonaparte on the throne of Greece. Occasionally a dim abortive intrigue comes to light out of these diplomatic papers. We see Metternich trying to entice Louis Bonaparte into Austrian tutelage in 1838, and brought into secret relation with the two Prussian princes in 1842 in order that they may receive Viennese help against the 'unbridled phantasies' of the Prussian king. The student of the pan-Scandinavian movement of the forties will do well to take account of Professor Stern's pile of references (iii. 209) to unpublished material. Of the many conversations reported in whole or in part perhaps the most interesting is that of 1 January 1846 (iii. 607-8), in which the Tsar first expounds to Metternich his views on the eastern question, and then proceeds to comment upon the Austrian Empire in the following prophetic terms: 'Vous allez mal et très mal: si l'on n'y porte remède, vous avancez vers une dissolution dans votre intérieur. Ce n'est pas à vous que j'attribue le mal: c'est à d'autres. Tout pays a avant tout besoin d'être gouverné, et le vôtre ne l'est pas: tout languit, rien n'arrive à temps: la confiance du public s'éteint et la mort s'en suivra.'

It is one of the great merits of Professor Stern's work that he keeps his diplomatic material in its proper place. Historians who work from unpublished documents are often prone to exaggerate their value, but there is no such tendency discernible in these volumes. The characters of the leading persons are broadly sketched, and adequate space is given to the literary, economic, and religious movements of the eighteen years which form the subject of the two volumes now under review. The only general

criticism which occurs to us is that too much space has been given to German literature and too little to French literature, and similarly that the history of the *Kulturkampf* over the mixed marriages 1825-42—a very interesting story and very well told—is somewhat out of scale, regard being had to the space accorded to the liberal catholic movement in France. Curiously enough the author never refers his readers to the *Dictionary of National Biography* or to the *Letters of Queen Victoria*, but in general he is well advised as to his English sources of information.

H. A. L. FISHER.

Bunsen und die deutsche Einheitsbewegung. By W. ULBRICHT. (Leipziger Historische Abhandlungen, xx.) (Leipzig: Quelle & Meyer, 1910.)

DR. ULBRICHT is well warranted in his belief that a more careful examination of the political writings of Bunsen than has hitherto been attempted by historians cannot fail to raise the estimate of his services to the cause of German unity. Treitschke's ungenerous as well as essentially unfair censure of the 'fantastic theological *parvenu*' and his 'political soap-bubbles' has already recoiled upon its author; but the truest estimate of the principles held by this devoted patriot and enlightened political thinker must be based on the considered productions of his own pen. Towards the ideal of national unity Bunsen's thoughts and hopes had turned since, as a youth, uplifted by the great achievements of the war of liberation, he had vowed to employ the powers of his mind on behalf of the welfare of his country. From the first, these aspirations had blended with an innate liberalism in political as in theological thought—a liberalism which was consistently constructive, and thus the reverse of the revolutionary desire for negation afterwards ascribed to him by the chief literary mouth-piece of his hereditary enemies, the *Junkers*. The impression made upon him by the gloomy conservatism—strangely streaked with a sort of theoretical Pangermanism—of Niebuhr (whose son Marcus was, near the close of Bunsen's career, sent to London, of course in vain, to engage him in a reactionary move) was transitory only. The romantic conservatism—falling in, but only to a certain extent, with the desires of his royal patron and friend—which prompted Bunsen's earliest labours as constitution-maker in his project for the reform of the Prussian system of estates (1844) was not regarded by himself as a definite solution of the constitutional problem.

His real importance as a semi-responsible adviser on the internal affairs of Prussia and Germany, which from this time forward became to his mind inseparable, dates from the crisis of 1848-9. It must be remembered that, with the exception of the two visits paid by him to Germany (from July to August 1848, and from January to February in the following year), he was to all intents and purposes an observer at a distance, and that nearly the whole of his manhood was spent in diplomatic service, in Rome and London. Moreover, at no time in his life, except that of the critical epoch in question, did he wholly abandon non-political studies for political work. Yet readers of his life and correspondence find little cause for wonder in the vigour and versatility with which in these

years he addressed himself to the German question; for our generation has seen few men of so extraordinary a vivacity of intellectual sympathy, and it has known still fewer of whom a union of hope and faith was so distinctive a moral as well as intellectual characteristic.

The value of Dr. Ulbricht's treatise might perhaps have been enhanced by a more systematic co-ordination of its contents. As it is, a certain amount of repetition is rendered almost unavoidable by the arrangement adopted—a preliminary summary preceding, and notices of particular aspects of Bunsen's activity as a German politician supplementing, the body of the work. It is in this central section, introduced by a chronological list of Bunsen's political memoirs and treatises, and presenting a survey of them, which forms at the same time a review of the evolution of his views on the progress of the German question in the years 1848 and 1849, that the significance of Dr. Ulbricht's publication consists. The elaborate historico-political disquisition written in England between Bunsen's two visits to Germany in the course of these years, and bearing the characteristically comprehensive title *Deutschland's Vergangenheit und Zukunft*, stands in a way apart; it contains a fairly complete exposition of his ideas at a time when it still seemed possible that the future of all the particular states, including Prussia, could be absorbed by that of united German polity. The list of memoirs confidentially submitted to King Frederick William IV and his government, of which copies are preserved in the Bunsen family archives, is too long for discussion here. They certainly constitute an important addition to the materials for a complete insight into the progress of the relations between the Frankfort assembly and the central government on the one hand, and the Prussian government on the other, and more especially into the significance of the prolonged debates and negotiations which ended in the rejection of the offer of the imperial crown by Frederick William IV. They illustrate the development of Bunsen's conceptions of the way in which the reconstitution of Germany could be achieved on an enduring basis—in other words, his conversion from a point of view under which Austria still seemed an essential part of Germany (memoir of 21 March 1848) to the *kleindeutsch* solution stipulating for the exclusion of Austria, in which he came to see the indispensable condition for the avoidance of collapse and chaos (memoir of 24 December 1848). His final attempt at mediating between Frankfort and Berlin (memoirs of February 1849) broke down over the king's return into the sphere of influences whence he had appeared to have emerged at last. 'Moral indignation, trouble, and grief,' he wrote on returning to his London post, 'have for ever taken possession of my soul.' In the second series of transactions as to the German constitution which began, in May 1849, with the attempt at establishing a limited 'union' under Prussian leadership, and which came to a close with the restoration of the old Confederation through Schwarzenberg, Bunsen was no longer an active participant; but the account given in Nippold's edition of the Bunsen biography of his attitude towards these matters, and towards the Russian war, is supplemented by further references to the family archives. These pages will certainly be read with a renewed feeling of grateful recognition in this country, an

intimate alliance between which and his own was one of Bunsen's most cherished political ideals. In Dr. Ulbricht's two concluding sections, 'Bunsen and the King,' and 'Bunsen and the Camarilla', there is not much that is new. Frederick William IV, whose correspondence with Bunsen furnishes an invaluable key to the king's own political ideas, spoke of his frank and faithful counsellor as 'my friend of twenty years' standing, whom I must bring into the right path'; but he would not have met with a very warm welcome from its occupants even as a convert. Such, however, he was the last man in the world of politics to have become.

A. W. WARD.

The Letters and Journal (1848-9) of Count Charles Leiningen-Westerburg, General in the Hungarian Army. Edited, with an Introduction, by HENRY MARCZALI. Done into English by ARTHUR B. YOLLAND. (London: Duckworth, 1911.)

THE eminent Hungarian historian, Professor H. Marczali, and his colleague, Professor A. B. Yolland, have laid English readers under a great obligation by rendering accessible to them the personal records of a brave soldier, whose career exemplified as fully as that of any hero ancient or modern the application of the principle, *noblesse oblige*. Queen Victoria's kinsman, who, on 6 October 1849, paid the penalty of death at Arad for his unflinching adherence to the Hungarian cause, was a soldier by nature as well as by profession; and it was to the principle of honour rather than to any political idea that his noble life was sacrificed. Yet his blood, with that of the eleven comrades associated with him in his doom, fertilized the soil on which the tree of national liberty at last grew into life, and he deserved what has been accorded to him, a national literary monument. Count Charles Leiningen-Westerburg inherited from his paternal ancestors, with a natural pride of descent and an ingrained chivalry of sentiment, the sense of the right of self-determination which the process of mediatization by no means extinguished in the princely families of the empire. His mother was *bürgerlich* in origin, though she was ennobled in person before she gave birth to the seventh child of herself and Count Frederick Lewis Christian I of the Westerburg branch of the Leiningen family—a nobleman described by its historian as having 'seemingly in general preserved no consciousness of his rank'. The Leiningens were protestants (Calvinists), and the political tendencies of the family, as notably in the instance of Count Charles's namesake, Prince Charles Leiningen, Queen Victoria's stepbrother,¹ were liberal and progressive. Indeed, the political training of Count Charles had obviously led him to hope for the accomplishment of German unity under Prussian rather than Austrian headship. Still, several members of the family were, at the time of the great political crisis of 1848-9, in the Austrian service; and one of them, an elder brother of Count Charles, Count Christian, was, throughout the Hungarian insurrection and afterwards, one of the leading agents of repression and reaction. By his marriage, Count Charles Leiningen had closely connected himself with the Magyar landed aristocracy, and

¹ Cf. *supra*, p. 192 *seq.*

though little more than a hint on this head is to be found in the present volume, it is manifest that this connexion went for much in determining the critical decision of his public life.

This decision, in accordance with the clear insight which tempered the ardour for action in his nature, he reached only gradually; but, once reached, it became for him an immovable principle. In the autumn of 1848, having convinced himself of the legality of the actual Hungarian ministry, he resolved to serve under the Hungarian colours, though declaring that he would not fight against the emperor's troops. He was, therefore, employed in the operations against the Rascians (Serbs) which, although rendered unavoidable by the accumulated ill will of the past, proved, to put it familiarly, the shady side of the Magyar movement, and were extremely unwelcome to Leiningen himself. In January 1849 the second and the final stage in his public life was at hand. All hopes of peace were at an end; the whole strength of the Hungarians had to be turned against the imperial troops, instead of part of it being directed against 'the thievish vagabonds' whom Leiningen and his men had hitherto 'had to contend with'. He could not 'bring himself to desert, in its hour of need', the cause which he had espoused—partly because of his general belief in its justice, partly because of his position as a Hungarian landowner—in a spirit of sympathetic interest rather than of enthusiastic conviction; and, with open eyes, he sealed his own doom. The second part of the story would be pure tragedy, were it not relieved by the hero's belief in a leader whose motives of action, in a remarkable degree, coincided with those of a follower so pre-eminent as to have been deemed by that leader capable of taking his place.

When, with the aid of materials which he has himself given to the world, the life of Görgey—still a living witness to his record—comes to be written, the testimony of Count Charles Leiningen on his behalf will be taken into account in favour of a commander of high renown, who was something more than a soldier of fortune, who was even a patriot after his fashion, but on whose conduct as a whole even now a final judgement can hardly be pronounced with certainty. The ambition which led Görgey to take upon him a responsibility that in the end became supreme had before that time been exchanged for obedience to the dictates of reason, and perhaps of humanity; and it was in response to these that he ultimately, at the cost of long years of infamy, cast off the burden. From Count Leiningen's own narrative, it seems more than probable that Görgey would have surrendered sooner, if he could. But he could not, and he continued to fight a losing fight with an energy, a coolness, and a power of controlling both himself and others, which are little short of marvellous. Upon Leiningen, himself endowed with all the instincts of a soldier, with the courage of a lion, and, with a rare power of looking fate in the face, whether on the battlefield or on the scaffold, the general exercised an irresistible fascination.

'To Görgey', Leiningen wrote to his wife, 'my lips never uttered a word of friendship. My deeds alone betrayed my sentiments. And do you, who are the guiding star of my life, think you are less dear to me, because I have never spoken passionate words to you? You must not think so.'

Leiningen's letters to his wife, all of which breathe the same spirit of love and tender care, though these feelings are never allowed to come into conflict with his sense of duty, are unfortunately few. The essence of his story is to be found in the journal, which illustrates on almost every page the characterization prefixed to it and the letters by Professor Marczali. The accounts of the fighting are at once lucid and spirited; perhaps the narrative of the battle of Bicske, in which the gallantry of a single army corps (including Leiningen's 'Schwarzenbergs') restored the balance of the day, is the most dramatic of many well-told episodes. But the brave officer's candid pen spares the shortcomings of neither commanders nor commanded. Though immensely popular among his men, he was a severe disciplinarian, and on the field stopped any excess with ruthless vigour. The element in the army which provoked his spleen more than any other seems to have been that of the Poles (many of them being Slovaks masquerading as Poles), from whom it pleased Kossuth to select Dembinsky—that 'mock commander' as Leiningen calls him—as the head, for a time, of the Hungarian army. For Kossuth himself, as a politician not as a speaker, Leiningen, a monarchist at heart, had a cordial dislike; and he could not bring himself to bandy compliments with this 'quill-driver'.

The concluding portion of Professor Marczali's well-arranged volume comprises a few letters written by Leiningen to his wife and others during his last imprisonment at Arad, in which he exclaims indignantly against a newspaper article ascribing to him the death of seventeen Austrian officers taken at Buda. This false charge was discredited at the court martial. To these are added some notes and memoranda found after his death, and in fact hardly decipherable. The last but one of the series refers to the rumour that Görgey had been bribed into his surrender. 'I cannot and will not believe the charge, yet the mere thought of it makes me uneasy.' The last of all, pencilled two days before his death, shows that hope was even then not wholly extinct, but that he was prepared to die as he had lived. He met his fate on 6 October 1849; his last words being one more protest against the imputation cast upon his honour.

A. W. WARD.

The Campaign of Chancellorsville; a strategic and tactical Study. By JOHN BIGELOW, Jr., Major U.S. Army, retired. (New Haven: Yale University Press, 1910.)

THE author was led to the study of this campaign as far back as 1894, because 'it presented a greater variety of military problems and experiences than any other in which an army of the United States has taken part. In no other was there so rapid a succession of critical situations. Moreover, no other one, approaching it in importance, has been so imperfectly apprehended and described.'

The first point on which he throws fresh light is in regard to the detachment of Longstreet's two divisions to the south bank of the James. It is frequently stated that President Davis was responsible for thus weakening Lee's army in the presence of Hooker's superior numbers. But the

confederate president has been somewhat maligned. Early in February the federal government dispatched the ninth corps from the Rappahannock to Fort Monroe. Lee at once detached one of Longstreet's divisions to Richmond and ordered a second to be held in readiness. He suspected that the federal corps was destined to reinforce their army in South Carolina. Davis was even more apprehensive than Lee of an attack upon Charleston and pressed for the immediate dispatch of the second division, which Lee accordingly ordered. The author might have strengthened his case by quoting Lee's correspondence with the war secretary on 4 February and with the president on the 5th.¹ He shows clearly that Hooker formed three distinct plans of campaign. The first he kept a profound secret for fear lest it should become known to the enemy. It was, however, considered by a council of war held at Washington on 11 March, and apparently aimed at turning Lee's right flank and forcing him from Richmond and the Fredericksburg railway. As a diversion, a demonstration was to be made from Washington towards the Shenandoah Valley. To this plan Hooker referred on 29 March: 'My plans are perfect, and when I start to carry them out, may God have mercy on General Lee, for I will have none.' The fear that Lee would retreat when the federals crossed the river, and thwart the plan of cutting him off from Richmond, caused Hooker on 11 April to put forward his second plan. He proposed to make a wide sweep round Lee's left with his cavalry and intercept his retreat at Hanover Junction. The main army was to cross the lower Rappahannock, when the cavalry had got well to the enemy's rear, and follow in pursuit of Lee, who, it was assumed, would retreat when his communications were threatened. A fortnight later the roads along the upper Rappahannock were practicable for the army trains, and Hooker embarked upon an entirely new plan, though so far as the cavalry was concerned it was but a modification of the second. He no longer aimed at forcing Lee to uncover Richmond, but at the annihilation of his army. In pursuance of this plan he concentrated his right wing at Chancellorsville, thus scoring the first point in the game, on 30 April. But on the next day Lee scored the second point, 'which neutralized the first,' by concentrating the bulk of his army at Zion Church.

Major Bigelow's criticism of Hooker's conduct of the campaign is severe but just. It is shown how Hooker's indecision, due to his loss of confidence in himself, grew day by day; how it was first manifested on 30 April, when he determined, even before crossing the river himself, to halt at Chancellorsville, though arrangements had been made to push on far enough to uncover Banks' Ford; how on 1 May he did not issue orders for an advance till after 10 a.m., and then, without leaving his head-quarters, ordered a retreat as soon as Lee was found to be advancing. An admirable diagnosis of Hooker's mental state at that juncture is given on page 255. His withdrawal across the river on 5 May is severely blamed. 'No greater mistake was made during the campaign. Lee was just about to play into his hands by attacking him on his own ground: the condition, on which his plan of operation was based, was at last to be realized, when he weakly retired from the contest.' Sedgwick is criticized

¹ *The War of the Rebellion*, xiv. 762-4, 766.

for losing precious time after storming the Fredericksburg heights on 3 May. Newton's division ought, after carrying Marye's Hill, to have been thrown against the inner flank of Early's line, which still confronted the other divisions, instead of being pushed forward along the Chancellorsville road. It had ultimately to be halted till the other divisions came up, and it had taken these latter some time to shake off their opponents.

It was a capital mistake of Hooker's to detach the cavalry corps. Sending it ahead of the army as the latter ascended the Rappahannock served the important purpose of deceiving the enemy as to Hooker's intentions. But after it crossed the Rappahannock it should have been used to screen and protect the turning columns and to keep Stuart from joining Lee.

Stoneman's conduct of the subsequent operations of his cavalry meets with well-deserved censure. 'The operation that has gone into history as "Stoneman's Raid" was to have been a part of a grand tactical and strategic manœuvre.' Major Bigelow by no means confines his criticisms to the federal commanders. He specially censures Stuart for failing to co-ordinate the action of the artillery and infantry on 3 May, and for retaining the dispositions made by Jackson the previous day. He also regards Lee as unduly rash in his determination to attack Hooker in his second position after Chancellorsville had been abandoned.

Every page of this most instructive book testifies to the immense pains which the author has taken to ensure accuracy and bring his work absolutely up to date. The cloud of legend, which has too long obscured the real dimensions of the battle, is finally swept aside, and this account will supersede all its predecessors. The maps and plans (forty-seven in number) are excellent, and show the positions of the troops at successive stages of the operations. On p. 116 Longstreet's letter should be dated 30 March, not 17 March. The initials of Seddon, confederate secretary of war, were not J. S. S. (p. 31) but J. A. S., as elsewhere correctly given.

W. B. Wood.

The Lady. By EMILY JAMES PUTNAM. (London: Putnam's, 1910.)

MRS. PUTNAM begins her introduction with the confession that the lady is proverbial for her skill in eluding definition. Despairing, therefore, of giving her essence, she proceeds to define her by denotation. Thus in procession through this volume, which rests on a foundation of wide reading and is richly furnished with wit and wisdom, pass the ladies of the ages. The lady, it should be explained, is she of the drawing-room, and not she of the milliner's show-room; she is the female of the favoured social class, not a producer, but the heaviest of consumers. To the Greek and Roman ladies succeeds the lady abbess, whom it is perhaps unjust to style a non-producer, for she is active and useful, and, if not personally a producer, at least an *entrepreneur*. The lady of the Renaissance forms a link between the lady of the castle and the *salonnière* and her English representative, the lady of the blue stockings. The volume concludes with a chapter on the lady of the slave states, whom Mrs. Putnam regards as the last survivor of the feudal age, though modern English society might show many an example.

The task which the authoress has set herself is clearly one of extreme difficulty. She has at times to rely, in the absence of direct evidence, on romantic and didactic literature, and there is no certainty of its realistic value. It is to be suspected that the lady of the castle was not so all-important as the troubadours would make her. Their song was subjective rather than objective, a pose rather than a passion, and so it was that in the art of their successors the lady becomes an abstraction, a Beatrice or a Laura. This contrast between literature and actuality does really vitiate the conclusions in the chapter on the Renaissance, where, indeed, there is too much Plato and too little lady. Mrs. Putnam has scarcely made sufficient use of the familiar everyday letters of this age. One little picture of the Florentine girl, who, with unerring aim, snowballed her admirers, would give a truer idea of the early Renaissance young lady than all the neo-platonism of the fifteenth century. The people of the Renaissance were natural enough, but their literature was artificial, and little reliance can be placed on it for the actual lady. Bembo's *Gli Asolani* is not drawn after life, nor yet is Sidney's *Arcadia*. It is hard not to idealize a lady, especially when one is her guest and is asked for a sentiment. Mrs. Putnam recognizes the difficulty of treating the Renaissance: 'The only general statements that can safely be made concerning the lady of these centuries are those which explain that generalization is no longer possible.' There is no unity of time or place in the Renaissance; no common factor in the young ladies painted by Ghirlandaio and Catherine de' Medici's 'Flying Squadron', none between the French and the German of the same half-century. The authoress hints that a chronological line might be drawn at the date of the introduction of the corset, 'the crime of establishing which instrument in its complete form is attributed—with so many lesser ones—to Catherine de' Medici,' but she confesses that the deplorable division of woman into two halves, each requiring separate architectural treatment, may be traced back to Giovanni Bellini. The Renaissance is of course complicated by the Reformation, and here we must protest against the introduction of Mrs. Luther to our select society. Mrs. Luther belonged at best to the Sunday parlour rather than to the drawing-room. Louise de Coligny would be a fairer type. But the worst of types is that they are so rarely typical. Mrs. Putnam probably feels this, for she uses this cheap literary device very sparingly. The leading *salonnières* were no doubt representatives of a class or at least a coterie, though perhaps the peculiar reputation of Julie de Lespinasse was due to her possession of a natural charm denied to her more expert fellows.

One of the few generalizations which Mrs. Putnam allows herself is that ladies are the more cultured sex when their husbands have least leisure for culture. In this connexion she compares the crusades and the nineteenth century in the United States: 'A fighting Knight who found his Squire reading the *Ars Amatoria* would feel the same amused contempt as a stockbroker who should find his clerk secreting a copy of Keats behind the ticker.' This is not quite consistent with her statement that the lady blooms when there is an established order, a leisured class, the opportunity and the will to make the most of life, whereas in times of stress she is classed with the impedimenta. But, again, the difficulty arises

that we can only judge of feminine culture at suspect male second hand. Until recent times the literary output of cultured ladies has been insignificant. In a suffragist procession, just as Boadicea might be jostled by the Maid of Saragossa but for the sturdy intervention of Joan of Arc, so in the literary section Sappho's dainty skirts are only saved from what Mrs. Putnam calls the heavy tread of good Miss Martineau by the sedate or sprightly movements of St. Catherine of Siena and Margaret of Navarre. No modern, and perhaps not even Pericles, has ever read the love-letters of Aspasia, and Catherine Cornaro's Italian garden is only known to us through the medium of Bembo. Alessandra Strozzi's letters are an admirable guide to the management of a fifteenth-century estate, but she ranks rather with the administrative abbess than with the lady of culture. The lady's natural weapon is probably her tongue rather than her pen, for 'her usually light equipment of learning is a positive advantage to her in conversation'. An anti-feminist might draw from Mrs. Putnam's pages the melancholy conclusion that the lady, as a class, is only prominent when society is decadent, that her greatest days were in decadent Sparta, in decadent imperial Rome, above all in the lowest depths of the French monarchy, where the lady certainly reached her apogee. In England the lady has never led, except, it may be thought, in the reign of Charles II.

After all the lady is the creation of the gentleman: 'She is the product of man's earliest aesthetic desires, and it is her business to foster these,' or later, 'the lady became indispensable for her decorative value.' For this value the art of pleasing was substituted by the *salonnière*, 'whose enthusiasm often carried her to the length of pleasing her husband.' 'As the gentleman decays,' writes Mrs. Putnam, 'the lady survives as the strongest evidence of his former predominance.' But she cannot long so survive; indeed, her biographer thinks it possible 'that an advancing social sentiment will extinguish her altogether'. There is also a danger that she may commit suicide. 'As is the case,' we read, 'with any object of art, her uselessness is her use.' If, therefore, she once begins to be useful, she ceases to be the lady, and becomes merged in the mere woman. Mrs. Putnam hints at this in her admirable contrast between the *salonnière* and the English blue-stocking: 'The superficial view that beholds the blue-stocking lady as merely an inferior variety of the *salonnière* fails to take account of her essential character. The *salonnière* was the climax of the lady as she had been understood for two thousand years; she was as far removed from ordinary womanhood as physical limitations permitted. The blue-stocking, on the other hand, began to bridge the gulf between the lady and the rest of her sex, to humanize her and release her from mental parasitism. Her movement, blind, tentative, and ineffectual as it was, became visible in the next century as a first effort in the struggle to get along without men.' Thus it is entirely possible that the gentleman may survive the lady.

We have dwelt on the general purport of this volume, but the detail is all worthy of study, especially the recurring relation of the lady to dress, architecture, and the garden. One little error must be noticed, as a page or two depends upon it. Benozzo Gozzoli did not paint in the fourteenth but in the fifteenth century. That *quattrocento* has led astray one more.

E. ARMSTRONG.

The Place Names of Lancashire: their Origin and History. By HENRY CECIL WYLD, M.A., in collaboration with T. O. HIRST, M.A., Ph.D. (London: Constable, 1911.)

The Place-names of the West Riding of Yorkshire. Investigated by F. W. MOORMAN, B.A., Ph.D. (Leeds: The Thoresby Society, 1910.)

THESE two volumes are welcome additions to the scanty list of scientific treatises on the place-names of particular English districts. The authors are well versed in English historical grammar and phonology, and in the general principles of etymological research. They have, moreover, been careful to base their investigations on extensive collections of the forms in which the names appear in early documents. The difficulties with which they have had to contend are, however, far greater than those encountered, for instance, by Professor Skeat in dealing with the local nomenclature of certain south-midland counties. Hardly any of the names of Lancashire and the West Riding are found in any earlier record than Domesday Book; indeed, for a large part of Lancashire even the aid of Domesday is wanting. The consequence is that very many names, the etymology of which would probably have been quite clear if we could find them in English charters of the tenth or eleventh century, are either hopelessly obscure or can be interpreted only by more or less doubtful conjecture. It is therefore not the fault of Professors Wyld and Moorman that the amount of absolutely certain etymological result in their volumes is comparatively small. At the same time, I cannot help thinking that if before undertaking the investigation of the names of Lancashire and Yorkshire they had had more experience in the study of the nomenclature of districts better provided with early records, they would often have seen their way to conjectures more in accordance with general analogies than those which they have proposed.

In the preface to the Lancashire book Professor Wyld explains that the documentary and topographical research is the work of Dr. Hirst, and that he is himself solely responsible for the etymological conclusions. While this kind of division of labour may have its advantages, it involves some liability to oversights for which neither of the collaborators may be definitely to blame, but which are none the less unfortunate in result. Partly, perhaps, from this cause, and partly from that already suggested, the book falls seriously short of what might have been expected from the author's known scholarship and ability.

It is a matter of common knowledge among students of local nomenclature that a large number of English villages are named from the streams on which they stand. Sometimes the river-name is used as a place-name without any addition; sometimes it takes an affix such as *-tun* or *-leah*. Many of these names of rivers and brooks are obsolete, but are preserved in the lists of boundaries appended to Old English charters. Now an etymologist who is familiar with the frequency of this mode of formation will, when he meets with a name of a village of which the first element appears to admit of no plausible explanation from English or Scandinavian sources, naturally consider the possibility that the obscure syllable may be the name of a stream. This possibility has evidently not been

present to Professor Wyld's mind; indeed he has in many instances not thought it worth while to look at the Ordnance map to see whether the modern name of a river does not furnish the solution of his etymological problem. Altcar, for instance, is on the river Alt, but the author can only suggest that the first syllable represents some unknown personal name. It might be said that this river-name is possibly an etymologizing figment like Ver, Penk, and Kimble; but in any case it ought to have been mentioned, and reasons assigned for regarding it as spurious. Cockerham and Cokersand, in which Professor Wyld finds the genitive of an unrecorded Norse personal name Kok, are on the river Cocker. The genuineness of this name is attested by its occurrence in Cumberland and elsewhere, and it occurs frequently in the Cokersand cartulary. The same important record, of which the authors have not made sufficient use, mentions Pilling (in various forms) both as the name of a river and that of a place on its banks. The river and the village still retain their name, as any large-scale map will show; but Professor Wyld mentions only the village-name. Wennington, again, is treated as a derivative of a man's name Wenna, no reference being made to the river Wenning (*Wennighe* in the thirteenth century). There are other instances in which the evidence of modern maps and ancient charters as to river-names has been similarly neglected; and I think that several place-names which Professor Wyld is put to desperate shifts to explain may with some probability be conjectured to contain obsolete and unrecorded names of streams. I will here only mention Cartmel. The last syllable the author rightly identifies with the Old Norse *melr*, sandbank, but for the first part he can suggest no more likely etymon than the Old Norse *kerti*, a candle. Now Cart is known as the name of two rivers in Renfrewshire, and the modern name of the river at Cartmel, Eea, is no name at all, but merely the Old English (or the Old Norse¹) word for 'river'. In view of these facts, it appears not unlikely that Cartmel means 'the sandbank of the river Cart'.²

Historical considerations would lead us to expect to find in Lancashire some names of British etymology, representing a comparatively late period of the language; and in fact there are several names which in their oldest recorded forms have a decidedly Welsh appearance. Ince (*Ynes*, 1300-01) looks like *ynys*, island, a word often applied to inland places presumably once surrounded by marsh. Penwortham is in Domesday Book *Peneverdant* (Professor Wyld has omitted this from his list of forms, but he gives *Penuerthan*, 1140-49), which suggests *pen-y-verddon*, 'head of the green' (the suffix, however, differs). Penketh may very well stand for *pen-coed*, equivalent to Woodhead; and Wigan (*Wygayn*, 1245) may be a derivative of *gwig*, a word which seems to represent an early adoption of the Latin *vicus*, and is common in Welsh place-names. For the first two of these names the author offers no explanation, contenting

¹ So far as I am able to discover, the pronunciation represented by 'Eea' might, according to the phonology of the North Lonsdale dialect, represent either the O. E. *ea* or the O. N. *ä*.

² The original form would probably be *Kerte*. It is noteworthy that Oluf Rygh has inferred from certain place-names that two rivers in Norway must anciently have borne the name *Kjaria*.

himself with quoting the early forms, and as to the others he makes suggestions which he admits to be unsatisfactory; but the view that the names may be British is not mentioned even for condemnation. Celtomania has in past times done a great deal of mischief in local etymology, but Professor Wyld sometimes exhibits an extreme Celtophobia which is quite as unscientific. For the name of the river Conder he cites a thirteenth-century form *Gondouere*; the neglected Cokersand cartulary gives *Kondover* a few years earlier. Now this is obviously a British name, containing the word for 'water' (in modern Welsh *dufr*, *dwr*), which many would-be etymologists know only too well. There are rivers in England called Candover and Condover; in Cardiganshire there is a Camddwr, 'crooked water'; perhaps *Can-ddwr*, 'white water,' is a possible name, though I do not know any instance of it. The fluctuation between C and G in the early forms of Conder may be due (linguistic chronology does not forbid the supposition) to the mutation required by Welsh grammar when the feminine noun *afon* (river) is prefixed.³ According to Professor Wyld, however, *Gondouere* is a hybrid compound of the Norse female name *Gunnhildr* and the Old English *ofer*, bank of a river. This is startling enough; but Professor Wyld is so far from thinking it extraordinary that an English river should be called after a Norsewoman that he discovers a second instance in Irwell, which he says contains the Norse female name *Yrr*, followed by the English *well*. The name *Yrr*, by the way, though according to Oluf Rygh it occurs in a Norwegian place-name, seems to have been borne only by one historically known person, the daughter of Geirmund, mentioned in the *Landnámabók*. The Lancashire Ireby and Ireleth are referred by Professor Wyld to the same personal name. The former might possibly be *Irabyr*, Irishmen's farm.

Professor Wyld does allow a Celtic etymology for Manchester (in Domesday Book *Mamecestre*; the earlier *Mameceaster* of the Chronicle is not mentioned). But there is no good ground for his assertion that 'the first element is clearly a personal name'. There can be no doubt that *Mameceaster* is, like Mancetter (the Roman *Manduessedum*), a hybrid formation, containing a fragment of the British name which appears in a multitude of corrupt forms in the manuscripts of the *Antonine Itinerary*. Whether the British place-name is derived from a personal name or not cannot be determined until the correct form is ascertained. I have tried to show, in the pages of this Review (xv. 495), that the extant evidence points to *Mammium* as the probable original; but I was careful to admit that the evidence is not decisive.

It seems to me possible, though by no means certain, that, like Manchester, Liverpool is a hybrid formation of which the first part is British. Professor Wyld with great confidence derives it from the Old English

³ It must, however, be remembered that some names of undoubted Germanic origin, in Lancashire as elsewhere, show the same variation in the initial letter of their early forms. On the other hand, one or two of the Lancashire names in which C alternates with G are possibly British. Crimbles (in Domesday *Crimeles*, in Cokersand charters *Crimell*, *Grymbles*) looks like the Welsh *crimell*, a ledge or ridge; and the first element of Cunliffe (*Cundeclif*, *Gundeclif*) may represent some compound of *cwn*, a summit.

personal name *Leofhere*. There is no phonological objection to this; the disappearance of the genitive ending *s* is common enough in place-names. But the name must originally have belonged to the tidal inlet of the Mersey, which appears in old maps as 'The Pool'; and it seems to me more likely that so large a piece of water would retain its pre-English name (it would almost certainly have one), with the addition of the English *pool*, than that it should be named after a person. The Welsh dictionaries give *llifer*, a flood (cognate with the verb *llifeirio*, to overflow); and this word seems appropriate enough as a name for the inlet. The earliest known form of Liverpool, *Liuerpul* (1198), agrees at least as well with my conjecture as with Professor Wyld's, and there is no documentary evidence on the other side. It might help to decide the question if we could discover the etymology of the Lancashire place-name Little Lever (already *Leuer* in the twelfth century), as to which the author offers no suggestion. Professor Wyld cites examples to prove (what no one would deny) that a 'pool' could be named after a person. He is able to find only three instances: *Offepul* in a spurious charter, Steerspool-in-Furness, and Otterspool (in early documents *Otrepul*, *Otirpul*, &c., always without the *s*), which he thinks to be derived from *Ohthere*. (A better example, *Ösricespul*, may be found in Bosworth-Toller.) As to Otterspool, it may be remarked that *Ohthere* would not by normal phonetic development become *Otter* (what it ought to become we see from the Cheshire place-name Oughtrington), and that 'otter-pool', as a descriptive term, is not more extraordinary than *oterhola* and *oterburna*, which occur in charters. Professor Wyld's discussion of Liverpool contains one excellent suggestion, viz. that the form *Litherpul*, once very common, is a perversion due to association with the etymologically unconnected name Litherland.

The treatment of the names of Scandinavian origin is in several instances unsatisfactory. I will here refer only to the article on Kellamergh. This name appears about A.D. 1200 as *Kelsgrimeshereg*; the other early examples have *Kelgrimes*-. It is obvious that we have here the genitive of a Norse personal name compounded with *-grimr*; but what is the first element? It might be possible to find an explanation for *Kelgrimes*-, but *Kelsgrimes*-, which occurs only once; seems hopeless, and is perhaps due to a scribal error. Professor Wyld's explanation is based on a curious misapprehension. The late Oluf Rygh, in his work on old personal names in Norwegian place-names, states that the Old Norse name *Þjóðolfr* survives in Norwegian use as *Kjflr*, and shows from documents that this phonetic change is as old as the sixteenth century, when the place-names which appear earlier as *Þjóðolfsrud* and *Þjóðolfsstad* were written *Kjflsrud* and *Kjflstad*. Professor Wyld carries the special phonology of sixteenth-century Norway into the Scandinavian England of the twelfth century, and says that *Kelsgrim* represents an earlier **Þjóðolfsgrim*, 'an unusual and perhaps a late form of compound personal name.' (Late it certainly is: its exact date is A.D. 1911.) Strange to say, he actually quotes from Rygh the spelling *Þjóðolfsass* as occurring in 1308, which proves that even in Norway the name had at that time not yet assumed the form which he supposes to have existed in England a century earlier. As the initial *kj* cannot have developed from *þj* directly, but only through the intermediate stage of *tj*,

its origin must be posterior to the Middle Norwegian change of *þ* into *l*.

Professor Wyld's article on the word *ing*, a meadow, appears to me unsound. The word in dialect use is simply the normal modern English phonetic descendant of the Old Norse *eng*; as *string*, *wing* come from Middle English *streng*, *wenge*. According to the *Dialect Dictionary*, it is used in those counties that have a large Scandinavian element in their dialect, and in no others except Kent, Sussex, and Surrey. As to Kent and Sussex, one of the most puzzling phenomena of English dialects is the presence of several apparently unmistakable Scandinavian words in the speech of those counties. For the occurrence of the word in Surrey, the only evidence cited by Dr. Wright is a solitary place-name. So far, then, there is no reason for supposing that the word in modern dialects has any other source than the Old Norse *eng*. Professor Wyld admits that Old English did not, so far as is known, possess the word *eng*; but he asserts that it had two cognate and synonymous words, both written *ing*, but one having a guttural and the other a palatal *g*. He grants that these words have not been found separately (the instance alleged by Middendorff is a scribal blunder), but he finds the palatal form in *Waneting* (Wantage), *Lacing* (Lockinge), and various other place-names. Now *Waneting* and *Lacing* are shown by charters to have been river-names as well as place-names. Other Old English names of brooks (*torrentes*) are *Lidding*⁴ and *Theodningc*.⁵ *Duluting*, now represented by the village-name Doulting (Somerset), is recorded in Old English only as the name of a stream; and modern river-names in *-ing* and *-inge* are by no means uncommon (Lancashire, as we have seen, has a Pilling and a Wenning). Hence, on the doubtful assumption that the two syllables spelt *ing* are independent nouns and not mere suffixes, it is natural to suppose that they mean 'stream' and not 'meadow'. That they are etymologically cognate with *eng* there is nothing to prove:⁶ for all we know, *eng* may descend from a pre-Germanic **ankiā* and *ing* from a pre-Germanic **engho-*, **enghio-*.

These criticisms, which could be largely added to if space permitted, are intended in no hostile or captious spirit. The good qualities of work of this kind are not, as the faults are, capable of being shown by examples, and therefore this notice must appear one-sided. I can only say briefly that the book, over and above its obvious value as a repertory of documentary forms, contains many useful observations, with regard both to general principles and to details, and that no student of local etymology can afford to neglect it.

Professor Moorman's book has for me a peculiar interest, for my own studies in local etymology began—more than forty years ago—with the place-names of the West Riding, and I have ever since been in the habit of making note of any fresh evidence bearing on their interpretation. Many of the conclusions arrived at in this volume coincide with those which I find in my early notebooks. I regret to see

⁴ Birch, *Cart. Sax.* no. 201.

⁵ *Ibid.*, no. 230.

⁶ The fact that the variety of Plattdeutsch so unhappily mis-called 'East Frisian' has a word *inge* meaning 'meadow' is no proof that the word is West Germanic; even the ablaut-grade of the Low-German word is very uncertain.

that many of the etymologically most interesting place-names of the Riding are omitted. The author explains in the preface that he has confined his attention to those names which are found in Mr. Skaife's editions of the Yorkshire Domesday and of Kirkby's Inquest. No doubt he had a right to limit the scope of his work as it seemed to him expedient; but the book as it stands is incomplete. In the bibliography there is no mention of the *Monasticon*, but as most of the documents in that work are now accessible in separately published cartularies, it is possible that little harm has been done by the omission. The index to the *Monasticon* would, however, have supplied a reference for Halifax which (if the document be genuine) is a century earlier than the first instance cited.

On the whole, the merits and defects of this volume are much of the same kind as those of Professor Wyld's work. Where the evidence is really decisive (which perhaps happens somewhat oftener with the Yorkshire names than with those of Lancashire) the author usually draws the right conclusion, and his exposition of the general principles of research is often instructive. On the other hand, there is considerable evidence that his preparatory studies in the local nomenclature of England generally have not been so thorough as could be desired.

In the course of his discussion, which is in general satisfactory, of the various meanings of the suffix *-ing* in Old English, Professor Moorman says that it is often a substitute for the ending *-an* of the genitive of personal names of the weak declension. (The context shows that he is really speaking of Old English, not of the much later analogical change of *-an* into *-ing*, which indeed he seems to have overlooked altogether.) By way of illustration, he states that if the Old English form of Waddington was *Wadingatūn*, the first element must be regarded as a patronymic, but if it was *Wadingtūn* we must interpret *Wading* as equivalent to the genitive *Wadan*. The theory that *-ing* is equivalent to a genitive suffix is Kemble's; but if it were true at all it would be impossible to restrict its application to the weak declension, for the charters abound with names like *Wulfāfingtūn*, *Folcwinninglond*, *Ceolmundinghaga*, derived from personal names which form their genitives in *-es*. Professor Moorman's novel modification of Kemble's hypothesis is therefore a change for the worse. Germanic philology, however, lends no support either to Kemble's original view or to that which, in deference to certain criticisms, he afterwards substituted for it: viz., that *-ing* is an adjectival suffix with possessive meaning. My own provisional opinion is that the genitives plural ending in *-inga* often lost their final *a* in polysyllabic names. The ending *-ingas*, when attached to a personal name, I regard as always patronymic. The facts by which Kemble's theory was suggested can, I think, be otherwise explained. In designating a house or property by the name of its owner, it would often be equally natural to use the genitive of the man's name or its patronymic derivative, just as in modern days we may speak either of 'Nokes's farm' or 'the Nokeses' farm'. The possibility that this may have in course of time given rise to a habit of using *-ing* as a mere possessive ending I see no reason to dispute.

That English place-names often contain personal names which do not happen to be found in the extant records is a well-ascertained fact.

But some scientific knowledge of the principles of Old English personal nomenclature is necessary before venturing to assign an unknown personal name as the etymon of a place-name; and Professor Moorman frequently shows that he has not made any thorough study of this subject. No scholar of experience in this field will for a moment entertain his view that *Hecmund* in Heckmondwike (*Hecmundeswyke*) is derived from *hæc*, a wicket-gate; his alternative suggestion that it is not a proper name but an appellative meaning 'wicket-keeper' is even worse. The name is probably the well-known *Heahmund*; the change of *hēχ* into *hek* is a sound-substitution for which many parallels could be found. Again, the author supposes that *Taddenescylyf* (Tanshelf) was called after a man whose name (or nickname) was a compound of *tāde*, toad, and *Dene*, Dane. We can be pretty sure that the name of the owner of Tanshelf was not 'Toad-Dane', though what it really was is not so certain. I think it not unlikely that *Taddenescylyf* represents *Tātwinescylyf*, and that the Domesday *Tateshala* (which belongs either to the same place or to one closely adjacent) stands for a contracted pronunciation of *Tātwinescylyf*, Tatwine's haugh.

The mistaken statement that Leeds is mentioned in Nennius (in the form *Leodes*) is apparently due to citation at second hand, as the reference given is to the place (cap. 65) in which a mention of Baeda's *regio Loidis* might have been expected. Another mistake that seems to proceed from the same cause is the attribution to Camden of the derivation (which the author justly condemns) of Halifax from 'the holy face' of John the Baptist. Camden's romantic story about the 'holy hair' (*hālig feaz*) of a murdered virgin (which the author seems not to have met with) looks rather suspicious, but it may contain a kernel of genuine tradition. At all events Camden's etymology is linguistically unobjectionable, while Professor Moorman's attempt to read a topographically descriptive sense into the name is on several grounds inadmissible. Occasionally the etymology proposed for a place-name yields an extravagantly improbable meaning, as, for instance, the suggestion, that *Rilston* (*Rilestone*) may mean 'the enclosure of the mob or rabble'. The Icelandic word *rill*, a mob, by the way, is not known to have existed in Old Norse; the authority cited for it is Björn Halldórsson's dictionary in the eighteenth century.

The names *Adel* (Domesday *Adele*) and *Idle* (*Ydele*, 1280) are conjectured to represent respectively the Old English forms *Adanlīah* and *Idanlīah*, containing genitives of personal names. I do not think the reduction of *-līah* to *-l* ever occurs; the instances alleged are at least highly suspicious. The identification of Bootle with the Domesday *Botelai* is not recognized by Messrs. Wyld and Hirst, and their list of early forms for Bootle does not include any that point to an ending *-līah*. The correctness of the identification is, however, supported by the position of the name in the document, and the probability is that the name had two forms, the one simple and the other compound. *Trendle* (Somerset) appears in a charter as *Trendealeah*, but this doubtless stands for *Trendel-līah*. What *Adel* really means I do not know; the obvious suggestion that it may be *adela*, puddle, sewer, is not very likely. But I see no reason why

Idle may not mean deserted or waste land; compare *Idelhiwic* in Kemble, *Cod. Dipl.* no. 1163.

In conclusion, I should like to mention a rather interesting point connected with one of the names which Professor Moorman has explained successfully. In the neighbourhood of Hunshelf (the Old English form of which would be *Hūnes-scylfe*) there is a place called Unsliven Bridge. I strongly suspect that Unsliven (for which some maps give the perverted form *Unshriven*) is an alteration of *Hunshilven*, representing an Old English genitive *Hūnes-scylfan*, or (if the inflexion *-an* be inadmissible in this district ?) the genitive plural *-scylfena*.

These two volumes are the work of scholars who have won deservedly high repute in other departments of English philology. All the more forcibly do their shortcomings illustrate the neglected truth that the investigation of the origin of place-names demands a special kind of preparation, for the absence of which neither linguistic knowledge nor general training in philological inquiry can possibly compensate.

HENRY BRADLEY.

¹ Professor Moorman constantly assumes it in his restorations of Old English forms, but I doubt whether he is right in so doing. See my article in *The Academy*, 17 February 1883, p. 116, and Professor Napier's remarks in his paper on 'The Franks Casket' in the *Furnivall Celebration Volume*, 1900.

Short Notices

ARCHAEOLOGICAL readers may be disappointed that Dr. Karl Fitzler, in his *Steinbrüche und Bergwerke im Ptolemäischen und Römischen Ägypten* (*Leipziger Historische Abhandlungen*, xxi, Leipzig: Quelle & Mayer, 1910), throws no light on the engineering and other material problems connected with the subject indicated by the title-page. But he tells us all that can be learnt from inscriptions, papyri, and other literary sources regarding the ownership of mines and quarries in Ptolemaic and Roman Egypt, the relation of exploiter to owner, and the nature and organization of labour and inspection. In Ptolemaic Egypt the king held the property or monopoly in both classes: when stone was required the work in the quarries, like that on canals and dykes, was done either by *corvée* (λειτουργία) or by contract after tender; at the mines a continuous supply of metal was obtained by *corvée* or by the labour of convicts or of prisoners of war. Slave-labour hardly existed according to Dr. Fitzler. After the Roman conquest there was room for private ownership of mines (though there is no clear case of it to quote), and slaves were employed; from the second century of our era the *corvée*, previously little used, regained the position that it held in Ptolemaic times. The author points out the influence of Greek and Roman law and ideas respectively in the two periods, while the predominating contribution of Egypt throughout is stated to be 'the idea of free labour', which must mean the labour, whether forced or paid for, of free men or serfs as opposed to slaves, the Egyptians being accustomed to a life of incessant toil in the fields. Dr. Fitzler is a pupil of Professor Wilcken; as might be anticipated the book is an excellent specimen of detailed research with good indexes, and should be of great service to papyrologists and epigraphists.

F. LL. G.

The *Companion to Latin Studies* (Cambridge: University Press, 1910), issued under the editorship of Sir J. E. Sandys, contains forty-nine articles dealing with every subject except grammar on which the ordinary student of Latin literature could desire information. There is no sketch of the political history of Rome; but Dr. J. S. Reid contributes an article on the Roman constitution (57 pages), which is the longest in the book with the exception of that on literature (94 pages), and there is also a very useful chronological table, by an anonymous contributor, going down to the death of Justinian. It would be impossible to deal in detail with each section, or even with those which come within the limits of this Review. Suffice it to say that the articles are excellent, so far as they go; but that as a rule they do not go very far. Even Professor Ridgeway cannot pack Roman coinage from the earliest times to the later empire into 17 pages; nor will the reader expect an exhaustive treatment of agriculture in 5 pages. It is fair to say, however, that the contributors have achieved

wonders with the space at their disposal. If it will not be regarded as invidious to do so where all are worthy, special mention may be made of the articles on the army (by Mr. E. H. Alton), sculpture (by Mr. A. J. B. Wace), painting and mosaic (by Mr. Earp), and Roman philosophy (by Mr. R. D. Hicks). There are 141 figures of varying merit, two maps, and four indexes.

W. A. G.

The problem of Hannibal's passage over the Alps has been worked out anew by Professor Spenser Wilkinson in a small volume (*Hannibal's March*. Oxford: Clarendon Press, 1911), which embodies the results of researches by two French officers, Colonel Perrin and Captain Colin. Hannibal is represented as crossing the Rhone at the head of the delta, threading the valleys of the Isère and the Arc, and scrambling down into Italy by the precipitous descent from the Col du Clapier. There are some discrepancies between this account and that of Livy, but it harmonizes singularly well with the narrative of Polybius; and this close agreement with the Greek historian, whose authority has been strikingly confirmed by various recent researches into kindred problems, gives the present interpretation an advantage over its predecessors. Although Professor Wilkinson has been content for the most part to summarize the argument of Captain Colin, he has made several fresh points. He puts forward a novel theory to explain the divergences in Livy's line of march, and he describes the battles on the river bluffs and the groping journey into the Italian plain more graphically than his French predecessors. The picture of the prospect from the summit of the Col is a valuable addition to the text; it might have been usefully supplemented with views of the Rocher de la Porte (τὸ λευκόπετρον) and of other distinctive features, such as the 'amphitheatre' on the descent into the valley of the Clarea.

M. O. B. C.

Professor Carlo Pascal's *Epicurei e Mistici* (Catania: Battiatto, 1911) consists of a series of essays, mostly republished from Italian journals, not on Epicureans and mystics in general, but on certain literary figures of ancient and modern times to whom one or the other title might be applied, and on some subjects of cognate interest. In the first essay the character of Maecenas is vindicated from the charge of contemptible cowardice brought against him by Seneca and constantly repeated since. The words on which this charge has been based ('uita dum superest, bene est!' &c.) are to be taken as expressing rather a philosophic indifference to circumstances than a craven preference of a miserable life to death. The second essay treats of Petronius and his circle, and is perhaps the best in the book. The other essays on classical subjects are one on the Greek mysteries—or rather, the element of mystery in Greek religion—and on the divers views that may be taken as to the religious attitude of Euripides in the *Bacchae*. The three modern studies are of Leopardi, Amiel, and Maurice du Guérin. The work is not intended as a contribution to learning, but it is written in attractive style, and in an appreciative and sympathetic tone.

A. G.

L'Armée romaine de Bretagne, by M. L. Le Roux (Paris: Champion, 1911), is a small volume of about 150 pages which aims at describing and catalogu-

ing in detail the Roman troops stationed in Britain during the Roman period. It is based, for the most part, on obsolete authorities, takes little account of recent discovery, and includes a good many details now known to be incorrect. Nor does it appear to make up for these defects by any suggestions or observations which might add to our general knowledge of the subject. The writer of it may have benefited by the methodical labour involved in its composition, but it was a mistake to print it. N.

An Introduction to the Study of Local History and Antiquities, by Dr. J. E. Morris and Mr. Humfrey Jordan (London: Routledge, 1910), is both learned and popular, and gives an admirable view of our local antiquities from the stone age to the beginning of the railway system. No important topic appears to be omitted, and proportion is well preserved, though Dickens is cited rather too often for the sake of liveliness. In such a variety of subjects the writers must often have depended on others, and their authorities have been well chosen. But it is evident that they have used their own eyes in the choice of instances to exemplify their doctrine, and they have been happy in their selection of Bedfordshire, full of instruction as it is, though little visited, for many of their instances. Among many matters excellently treated medieval agriculture and military architecture may be singled out; the latter a subject which Dr. Morris, by his study of Edward I's army, has made his own. There are, of course, points on which others will not agree with the authors, and some in which for want of space they have failed in clearness or have generalized too boldly. We are told, for example, that in the middle ages the north Welsh grew corn and the south Welsh sheep. In the taxation of Pope Nicolas sheep are peculiarly prominent in north Wales. In regard to the monasteries it is hardly made clear how great was the preponderance over the important houses, which are duly described, of small establishments without history or wealth, whose chief function seems to have been to save parents of the middle classes from providing superfluous sons and daughters with a profession or a dowry. In so great a mass of facts some mistakes were inevitable. The coast of Ireland cannot be seen from Chepstow; the earldom of Arundel is wrongly associated in one passage with the Arundells of Wardour; the new north road runs through Baldock, not Hitchin; Caxton gibbet is not the real thing, but a toy which serves as the sign of an inn; and the New Inn at Gloucester belongs to the age of pilgrimages, not to that of coaching. Nor can the ancient rectory of the Bedfordshire Sutton be plausibly assigned to the fourteenth century. But such small blemishes, with which must be ranked an undue number of misprints, as when Sizergh is called 'Sozeith', can easily be corrected. Taken altogether, this is the best general account of English antiquities with which we are acquainted, and it deserves to be widely read. O.

In the *Proceedings of the Cambridge Antiquarian Society*, vol. xiv, part ii (Cambridge: Bell, 1910), the active and energetic secretary of the society, the Rev. F. G. Walker, discusses in detail the certain or probable Roman roads of Cambridgeshire, and adds a large map of them (unfortunately without a scale) and also a map of Roman roads in Britain. The description

and map of the Cambridgeshire roads is a useful bit of local topography—though one or two paragraphs are a little hard for the stranger to follow—and contains some valuable notes about actual ‘sections’ dug across various roadways, which form in the end the necessary evidence for otherwise doubtful roads. Some of Mr. Walker’s details are, however, open to argument. We doubt whether the Roman roads which he marks in the north of the county and near Denver and Downham Market deserve even the dotted lines which he allots them, at least in the present state of our knowledge. Nor do we at all believe in Cold Harbour—or, for that matter, in Caldecot or Hardwick—as names indicative of Roman roads. When he says that he has ‘never been at places with these names without either personally finding traces of Roman occupation or being shown coins or other relics found on these sites’, we can only reply that his experience is quite different from ours, and his results quite different from the statistics printed in various volumes of the *Victoria History* with reference to Cold Harbour. On his map of Roman roads in Britain we cannot here offer any detailed criticism. It contains not a few questionable roads, and it omits a few which one would desire to see included: it cannot be used without caution and reconsideration. We rather regret that it has been included in an article which is properly a study in local topography, and which rests its quite real claims to recognition on its value as a contribution to local topography.

F. H.

Mr. H. A. L. Fisher has republished in three volumes *The Collected Papers of Frederic William Maitland* (Cambridge: University Press, 1911), a work for which we are heartily grateful, for even the most diligent student of the writings of the great Cambridge professor was in danger of missing something of what he gave so prodigally to the public, all of it of exquisite finish and most of it of masterly worth. The editor’s intention was to include all Maitland’s ‘scattered writings’, that is, all the papers which had not appeared in the form of independent books. He has, therefore, no cause for apology in omitting the prefaces to the volumes which Maitland edited for the Selden Society or to the *Memoranda de Parlamento* which was published in the master of the rolls’ series. But we are surprised that he should have reprinted three papers which Maitland himself revised and collected in *Roman Canon Law in the Church of England* (1898); and it was not perhaps necessary to include the three articles on ‘Materials for English Legal History’, the ‘History of Original Writs’, and the ‘Mystery of Seisin’, which were republished two years ago, also by the Cambridge University Press, in the *Select Essays in Anglo-American Legal History*. This latter book contains, we may add, Maitland’s Rede lecture of 1901 and the ‘Prologue to the History of English Law’ (afterwards inserted in the second edition of the *History of English Law*) which are omitted by Mr. Fisher, no doubt as lying outside his plan. We regret, too, that some of Maitland’s reviews in the *Athenaeum* have not been included. Of the contents of these admirably printed volumes only two articles (the dissertation which opens vol. i, and a lecture in vol. iii. 304) appear for the first time; but it has been the greatest pleasure to refresh our memory of what we had read (almost all) before, and to be brought

again into touch with the daily work (for the papers are wisely printed in the order in which they were published) of one to whom students of English history are drawn not less by his intellectual stimulus than by the personal charm which kindles all that he wrote.

R. L. P.

Studia Palaeographica, a Contribution to the History of Early Latin Minuscule and to the Dating of Visigothic MSS., by Dr. E. A. Loew, appears as the twelfth number of the *Sitzungsberichte der königlich Bayerischen Akademie der Wissenschaften* (Philos.-philol. u. hist. Kl.), for 1910. The author, an American pupil of Traube, from whom all interested in Latin palaeography are expecting the first comprehensive and satisfactory account of the Beneventan script, has been investigating *pari passu* several special points connected with early Latin minuscule in general, with the view of making a more accurate dating of manuscripts possible. The points he selects are the history and usage, first, of the elongated *i*, and, second, of the assimilated *ti*, in minuscule manuscripts. His inductions have been wide, extending to about three hundred manuscripts written in various countries of Europe at the period of early minuscule. No student of Latin palaeography can afford to neglect these hundred pages, in which a vast amount of valuable information is gathered together. The complete results cannot be briefly summarized. Suffice it to say that Dr. Loew has proved that the elongated *i* came into manuscripts through the medium of the notarial script, and had but a short life in all but the Visigothic and Beneventan calligraphic schools, where strict rules seem to have governed its use. He has also shown that a distinction was regularly made in those two schools between *ti* assimilated as in *audientia*, and *ti* unassimilated as in *isti*: in the former case it was correct to use the ligatured *ti*, but not so in the latter. The Caroline reform killed the ligature for *ti* in all districts where its influence penetrated. The facsimiles of Vercelli 183, Paris 653, Monte Cassino 4, Madrid Tolet. 15. 12, Escorial T. ii. 24, Escorial d. i. 1, and Rome Corsinian. 369 are all most welcome.

A. S.

Karl der Grosse, by Professor Franz Kampers (Mainz: Kirchheim, 1910), is a volume of the series entitled *Weltgeschichte in Charakterbildern*, and is written by one of the general editors. The illustrations are numerous, judiciously selected, and usually well reproduced. The text is discursive, about half the volume being devoted to the history of the imperial idea and the origins of medieval civilization; but this plan is in harmony with the object of the series. Both introduction and biography are written in a picturesque style, with abundance of generalization and allusion. Special attention is paid to economic development and the Carolingian Renaissance. The author holds to the economic interpretation of history—except where he finds it more convenient to invoke national character as the *deus ex machina*. Sometimes he makes a good suggestion; as when he argues that the idea of the imperial coronation of 800 originated neither with the Franks (for they had *das germanische Legitimitätsbewusstsein*) nor with the pope, but with the Roman senate and people, and that Leo contrived to appropriate the credit for an act which he performed under the stress of necessity.

H. W. C. D.

The series of chartularies published at Rome by Messrs. Loescher through the joint enterprise of the Italian Historical Institute and the Royal Prussian Institute at Rome makes good progress. We have before us the second volume of the *Regesto di Camaldoli* (1909), edited by Professor L. Schiaparelli and Dr. F. Baldasseroni, which carries on the work from 1101 to 1378, the *Regesto di Coltibuono* in the upper Valdarno (1909), edited by Dr. L. Pagliai, and the first volume of the *Regesto del Capitolo di Lucca* (1910), edited by Canons P. Guidi and O. Parenti. We have already described the method according to which the documents are calendared (*ante*, vol. xxiii. 822 f., 1908), a system which serves admirably the needs of the historical inquirer, especially if his interests are local. The Camaldoli and Coltibuono charters are taken mainly from originals. Those of Lucca, which extend at present from 774 to 1145, include not only the documents of the cathedral itself but also the muniments of the hospital of St. Martin and of three monasteries which were united with the chapter in 1408. The collection is supplemented by two chartularies of the thirteenth century. Although the editors do not profess to give the texts word for word, they appear to have omitted only the purely formal parts, and to have been careful to preserve features of interest for spelling and grammar. In all the three volumes, too, a good deal is actually printed within quotation marks. The Coltibuono chartulary being complete is furnished with excellent indexes. . . P.

In the second volume of *Codices e Vaticanis selecti, phototypice expressi, iussu Pii PP. X cura et consilio procuratorum Bibliothecae Vaticanae*, Series Minor (Rome, 1910), we have presented to us four facsimiles of as many pages of a manuscript psalter (Vat. Palat. 65), and one facsimile of a page of Bede's *Historia ecclesiastica Gentis Anglorum* (Vat. Regin. 694). The latter manuscript also contains a copy of the *Purgatorium Sancti Patricii*. The interest of the volume is mainly palaeographical and liturgical. Both manuscripts were written in Scotland in the late twelfth or early thirteenth centuries, and belonged to the Cistercian monastery of Coupar Angus; it is a gratuitous assumption to suggest that they were written in the north of England and transferred to Scotland, and there is no evidence to prove, or, it must be admitted to disprove, it. The fact that the text of this late manuscript of Bede is of the Durham type, labelled Cd by Mr. Plummer, by no means proves that it was written at Durham. It exhibits what one would expect in a manuscript written in the south of Scotland. Pre-reformation Scottish service-books are extremely rare, and can be counted on the fingers of both hands, and the Coupar Angus psalter is a welcome addition to the number, especially as it preserves the ancient Celtic arrangement of the psalms in the form of 'the three fifties', which is not the arrangement of a Cistercian or of any other medieval psalter, and which opens up a point of liturgical interest into which we must not be tempted to enter here. F. E. W.

As a contribution to the history of the life of St. Francis, M. Paul Sabatier's *Examen critique des Récits concernant la Visite de Jacqueline de Settesoli à S. François* (Paris: Fischbacher, 1910) was surely needless. The author's other work contains sufficiently illuminating reference to

one of the not least attractive sides of the gracious and human personality of St. Francis (with which he more than any other writer of our generation has made us familiar), namely, his friendships with women. Yet M. Sabatier brings all his usual learning to bear upon this episode of the visit of the lady Jacqueline de Settesoli to St. Francis on his death-bed, and the interest of the little tract is far from being confined to the light thrown upon the history of the lady Jacqueline herself, 'Brother Jacqueline' as St. Francis called her, or upon her family, the Frangipani. For the Franciscan student it lies in the incidental, but apparently careful and deliberate, restatement of M. Sabatier's opinion—in opposition more especially to the comparatively recent work of Père Édouard d'Alençon—as to the priority and significance for the legend of St. Francis of the *Speculum Perfectionis*. M. Sabatier submits the two accounts of this incident in the *Speculum* and in Celano respectively to a thorough examination and comparison, and once more finds cumulative proof of the priority of the former. Nay, he sees in the evolution of the story in its passage from the *Speculum* to Celano an illustration of the very growth and development of legend itself.

A. M. C.

In *Diocesis Lincolnensis, Rotuli Roberti Grosseteste, Pars Prima and Pars Secunda* (Canterbury and York Society, parts xxiv, xxvi. London, 1910-11), we are given the first instalment of the rolls of Bishop Grosseteste comprising the archdeaconries of Lincoln and Stowe, and part of that of Northampton. The majority of the entries relate to parochial institutions and presentations, and thus are of interest chiefly for local history and topography. Of somewhat wider interest are the institutions to abbeys, priories, &c., which include some names not to be found in the *Monasticon*, as Roger de Toft and John de Bampton, priors of Kyme in 1236 and 1251 (pp. 11, 119), and Thomas de Longervill, Arnulf and William, priors of St. Andrew, Northampton (pp. 200, 223). Amongst personal notices mention may be made of the institution of Robert de Somercote, afterwards cardinal, to the rectory of Sibsey in 1235 (pp. 5, 165). One document (p. 15) is dated 'apud vetus Templum' at London; this probably means the bishop of Lincoln's house which adjoined the Old Temple in Holborn. The 'dominus Petrus de Sabald' on p. 59 is presumably Peter of Savoy.

C. L. K.

In an article entitled *Un texte de Muratori concernant les sectes Cathares* (*Annales du Midi*, xxii. 180-220, 1910) M. Charles Molinier announces an interesting little discovery that he has made. In 1741 Muratori published in the fifth volume of his *Antiquitates italicae aevi* a sort of concordance of the doctrines professed by the various catharistic sects in thirteenth-century Italy. Since then this useful tabulation of heresies has largely been employed by writers on the subject. Many, however, have hesitated as to the original value of the text on the ground that Muratori derived it from the manuscripts of the Ferrarese humanist, Pellegrino Prisciano, who died in 1518, and it was often suspected that the document was Prisciano's own work. M. Molinier has discovered, among other miscellaneous entries on the blank sheets of a thirteenth-century Bible of Italian provenance (Bibliothèque Nationale, fonds Latin,

no. 13151), a contemporary exposition and refutation of Albigensian heresies, between the two parts of which this table which Muratori derived from Prisciano is found inserted. Muratori's text, then, is no mere guess of a scholar of the sixteenth century, but a contemporary document. To his article M. Molinier adds a useful edition of the texts of the documents found by him in the Paris MS., including the Muratorian fragment.

T. F. T.

The *Arresta Communia Scacarii* (Caen: Jouan, 1910) is the first volume of a first series, consecrated to texts, of the *Bibliothèque d'Histoire du Droit Normand*, published under the auspices of the Faculty of Law of the University of Caen. The texts contained in this volume comprise two collections of decrees of the exchequer of Normandy, belonging to the last quarter of the thirteenth century. Both collections have been already published. The former one, ranging from 1276 to 1290, of which many manuscripts exist, was printed by Léchaudé d'Anisy and by Warnkönig, and the latter, dated between 1291 and 1294, which is only found in one manuscript, by Warnkönig only. The collections in which they appear are not, however, easy of access, and the texts there printed are not free from error. M. Ernest Perrot, the editor of the present volume, has therefore been well advised to put the documents together in the present very convenient edition. To it he has prefixed an elaborate introduction, a well-worked-out pedigree of the manuscripts, and an excellent alphabetical index.

T. F. T.

Dr. Walter Goetz in his short monograph on King Robert of Naples (*König Robert von Neapel, 1309-43, seine Persönlichkeit und sein Verhältnis zum Humanismus*, Tübingen, 1910) exaggerates the ability if not the importance of his hero. The man who throughout his reign wasted his inadequate resources in a succession of futile attempts to reconquer Sicily (from which certainly no immediate danger threatened) was not 'ein überaus kluger Politiker'. Robert showed wisdom as well as courage in his defence of the 'spiritual' Franciscans against the attacks of John XXII, and the late Professor Tocco showed in his *La Quistione della Povertà* that he indicated to John a way out of the difficulty, which the angry pope refused to follow. The most interesting part of Dr. Goetz's pamphlet is that in which he traces in the court of Robert, before the time of Petrarch, the beginnings of Humanism. These pages contain rather suggestions and hints for future workers than a thorough examination of the subject. Not much can be inferred from such statements as that Dionigi da S. Sepolcro 'wrote on Valerius Maximus and Virgil, on Ovid's *Metamorphoses* and Seneca's *Tragedies*, on the Politics and Rhetoric of Aristotle': or that Robert himself begins his treatise on evangelical poverty 'with examples of men of the ancient world who held poverty in high esteem'. Pecham, writing on the same subject some fifty years earlier, quotes Seneca and Juvenal and alludes to Tantalus and Daedalus. The book ends with the titles of King Robert's extant sermons, 289 in number, and with one sermon printed *in extenso*.

A. G. L.

The documents relative to the history of Brittany which are being published by MM. L. Caillet and G. Mollat (*Annales de Bretagne*, xxv.

4; xxvi. 1) are too numerous to be specified here, but among them attention may be specially called to M. Mollat's study of *Les Désastres de la Guerre de Cent-Ans en Bretagne* (xxvi. 1, pp. 168-201), in which he prints texts which usefully supplement the account of the desolation of Breton churches during the earlier part of that period, given in the late Father Denifle's well-known work, by new evidence drawn, like that of Denifle, from the registers of the papacy, and especially from Avignon registers of Clement VII and Benedict XIII. T. F. T.

In the *Transactions of the Royal Historical Society* for 1910 (3rd series, vol. iv) finance occupies a prominent place. There are papers on the collection of ship-money by Miss M. D. Gordon, on the finance of Godolphin by Mr. I. S. Leadam, and on the sources for the history of Walpole's financial administration by Mr. Hubert Hall. An ingenious attempt by the late Mr. L. W. Vernon Harcourt to show that the Falstaff of Shakespeare is not the Sir John Fastolf of Caister but a somewhat earlier Sir John Fastolf of Nacton deserves consideration; the writer incidentally seeks to rehabilitate the story of the committal of Henry prince of Wales by Chief Justice Gascoigne. Miss M. Cotter Morison writes on the duke of Choiseul and the invasion of England, 1768-70; and Miss D. Willis on the fourteenth-century estate-book of Henry de Bray, of Harlestone, Northamptonshire. Q.

The first volume of the *Calendar of Patent Rolls, Henry V* (London: H.M. Stationery Office, 1910), which has been prepared by Mr. R. C. Fowler, opens up the last reign to be taken in hand in this series. It extends from 1413 to 1416, and thus covers the campaign of Agincourt. But so many documents of importance were printed in the *Foedera* that this volume does not add much to the history of the French war, beyond some additional entries relating to the preparations for the campaign and provision for shipping. One of the first things one would look for is evidence for the legend that Henry when he became king dismissed the riotous companions of his youth with rich gifts. There are, it is true, a somewhat large number of grants to his servants in the first year of his reign, but there is in them nothing to suggest that the recipients were unworthy. This legend is part of the story that Henry as prince would lie in wait for and rob his own receivers; in this connexion a little interest attaches to two references to the audit of the accounts of receivers for the Duchy of Cornwall during the time that the king was prince (pp. 140, 161), and to a pardon to one of the king's receivers who had been robbed of his rents (p. 331): the presence of such entries makes one regret the absence of any subject-index. References to Lollardy and to Oldcastle's rebellion in 1414 are of course numerous. Perhaps the most interesting is the grant on 5 January 1414 to John de Burgh, 'carpenter,' because he has detected and revealed divers treasonable conjectments against the king by certain persons vulgarly called Lollards (p. 157); this confirms the story in the Harleian Manuscript 3600, f. 234, that Henry received warning of the Lollard rising *per quendam carpentarium London.* There are a few personal entries of literary interest, as the confirmation of a grant to Thomas

Hoccleve (p. 130); a licence to Adam Usk exempting him from the proclamation requiring all natives of Wales to withdraw from England (p. 125); the restoration of the temporalities of Lenton to Thomas Elmham on 11 June 1414 (p. 144); and two references in 1415 to Elmham as vicar for the abbot of Cluny (pp. 332, 337). London references of interest are to the connexion of the keepership of the Fleet with the keepership of the palace at Westminster; to a grant of Cobham's Inn, late of John Oldcastle, to the use of Joan Cobham; to the bringing of stone called 'ragge' for the work of the Guildhall in 1415; to the grant of the inn by Paul's Wharf, late of Henry le Scrope of Masham, to Henry Fitz Hugh; and to Thomas More's foundation at 'Pardonchirche hawe', in the cemetery of St. Paul's (pp. 159, 248, 296, 361, 365; see Stow, *Survey of London*, i. 137, 271, 327, ii. 13, 40). Two early grants in favour of Queen's College, Oxford (pp. 22, 23), may suggest some special interest on Henry's part, and support the tradition of his connexion with that foundation. The index seems generally satisfactory; but a reference to 'Kaeriar' on p. 93 is not entered or explained, though the more familiar Kerrier appears on p. 284, but is again omitted from the index. C. L. K.

An adequate account of the office of Lord Chancellor of Scotland would form an important chapter in the constitutional history of Scotland that has still to be written. Mr. Samuel Cowan's less ambitious aim has been to give a separate outline of the official career of each successive chancellor (*The Lord Chancellors of Scotland, from the Institution of the Office to the Treaty of Union*. 2 vols. Edinburgh: W. and A. K. Johnston, 1911); and he cannot be said to have achieved this with entire success. While he begins modestly by acknowledging his debt to 'the aid of scientific research', without which his own work could not have been produced, he does not always use his sources with discretion. Primary, secondary, and tertiary authorities and books that have no authority whatever are treated as of equal weight. His references, too, are often so inadequate that they would be better omitted: 'Spottiswoode's *History*' or '*State Papers*, vol. iv,' with no page specified, is too vague to afford means of checking the statements of a book that cannot safely be taken on trust. Mr. Cowan's two volumes are welcome as a sign of awakening interest in an important and neglected field, but they hardly claim to rank as a contribution to serious history. W. S. McK.

Herr Friedrich Weber's *Beiträge zur Charakteristik der älteren Geschichtsschreiber über Spanisch-Amerika*, which forms the fourteenth volume of the *Beiträge zur Kultur- und Universalgeschichte*, edited by Professor Lamprecht (Leipzig: Voigtländer, 1911), consists for the most part of short *résumés* of the lives and points of view of the early writers on Spanish America. The bibliography is hopelessly out of date, and even the facts relating to these writers have been culled for the most part from the introductions to the volumes in which the texts have appeared. A good monograph on one Spanish historian of importance would have rendered much more service than do these *Beiträge*. What, for instance, is one to think of a volume on the sources of the history of Spanish America, and which

attempts to discuss the writings of Columbus, but wherein no mention is made of the *Raccolta Colombiana*? Even Larned's *Literature of American History*, which treats of many of the authors here discussed, is unknown to the writer of this volume. The authorities mostly referred to are Robertson and Michaud. Modern works, as for instance those of Gaffarel, Ruidiaz, and Lowery on Florida, are conspicuous by their absence. Similarly, all reference is omitted in the West-Indian section to Dampierre's valuable *Essai sur les Sources de l'Histoire des Antilles françaises*. The only reference to the Toscanelli letters is to the text published by Navarrete, Mr. Henry Vignaud's name not figuring even in the index. The author has never heard of Gayangos's edition of the letters of Cortés, and fails to mention Genaro García's new edition of Bernal Díaz del Castillo published from the original manuscript. He may be pardoned, perhaps, for not knowing G. P. Winship's masterly study of Coronado's expedition hidden away in the Fourteenth Report of the Bureau of Ethnology of the United States, but why should he inform us (p. 222), 'Verloren ist leider . . . die "Relacion de la Jornada que Pedro Menendez de Avilés hizo á la Florida, &c." vom Maestro Barrientos,' when it was printed in 1902? In the discussion of the *Relacion de las Costumbres antiguas de los Naturales del Pirú* (p. 269) no mention is made of the fact that this *Relacion anónima* has been attributed to Blas de Valera. Mistakes, especially in the English and French titles, abound, but a few examples must suffice: Ricardo Eden (p. 12) for Richard Eden; Harleians 'A Collection of Voyages' (p. 18) for the Harleian Collection; Obadjah Rich (p. 20); Tumée for Fumée (p. 75); Gregorio García (p. 119) for Genaro García; Ribault (p. 220) for Ribaut; and Gayanos (p. 306) for Gayangos, &c.

H. P. B.

The eighteenth volume of the *Publications of the Huguenot Society of London* (1911) continues the *Denizations and Naturalizations of Aliens*, printed by Mr. William Page in volume viii (1903). That volume covered the period from 1509 to 1603. Now Dr. W. A. Shaw includes aliens in Ireland, and carries on the lists from 1603 to 1700. Mr. Page's introduction contained a brief chronicle of the chief events which resulted in the immigration of foreigners, together with an account of the influence of the strangers upon various trades in this country. Dr. Shaw gives a summary of the English, Irish, and 'Plantation' naturalization laws, and their immediate purpose. He arranges his lists, unlike Mr. Page whose plan was alphabetical, in chronological order under the years when the letters were granted, denizations being separated from acts of naturalization. A full index of names makes reference easy. This method brings out the significance of the arrival of groups of religious refugees, and must facilitate the working out of allied families and craftsmen. Dr. Shaw gives the information he has collected about each applicant from a number of concurrent sources, but apparently generally in his own *précis*. We are not told exactly what is to be found in a given document and what is deduced by the editor. A clear explanation of his practice would have been useful. The meaning of his brackets, round and square, is not quite obvious. But the immense labour put into the book deserves warm acknowledgement,

and the lists of names are invaluable, though we doubt whether the century now dealt with can be expected to yield such interesting facts as those discovered by Mr. Lionel Cust about the early Flemish artists whose denizations were chronicled in the previous volume. R.

Considering that J. A. Symonds's excellent translation of the *Life of Benvenuto Cellini* has appeared in five editions since 1888, and that both this and the version by Miss Anne Macdonell issued in 1903 and recently reprinted are easily to be had, it might seem that another English translation of the work would be superfluous. There are some points, however, in which the new version by Mr. Robert H. Hobart Cust (2 vols. London: Bell, 1910) supplements the earlier ones in a useful way. Mr. Cust has had the advantage of using the text and notes of the Italian editors Rusconi and Valeri and Bacci; and the researches of M. Dimier which have thrown some fresh light on the events of Cellini's sojourn at the court of Francis I. A very full bibliography of the literature relating to Cellini, compiled by Mr. S. J. A. Churchill; a summary account of all the works of art executed by or attributed to Cellini, and illustrations of most of those now extant, combine to make the work a more complete key to the knowledge of the artist's life and works than has hitherto been obtainable by English students. The translation itself is upon the whole accurate and spirited, although in numerous passages where Cellini's involved style makes his meaning difficult to interpret Symonds's felicitous paraphrase is more expressive than Mr. Cust's laboriously construed rendering of the original words. In one point Mr. Cust has made an advance of doubtful expediency beyond his predecessors, and that is in translating with unnecessary emphasis several passages which Symonds thought it advisable to leave in the original Italian and relegate to foot-notes, and Miss Macdonell to modify or omit. C. F. B.

Father Jules Martin's *Gustave Vasa et la Réforme en Suède* (Paris: Fontemoing, 1906) is important as being a compendious sketch of the enforcement of protestantism upon Sweden written in a West-European language by a catholic priest. The author inquires 'how Rome lost, almost without a battle, a nation which owed her so much and which had down to that time showed itself so faithful: and why the resistance, at first uncertain, then unfortunate, only made the defeat perhaps more honourable in its beginning, but more complete in the end, than in Germany or England?' His main conclusion is that the architect of Swedish independence would have earned a purer fame if he had not sold that independence to his people at the price of their liberty, for the rupture with the catholic church did not assist his work and was contrary to the wish of the vast majority of his subjects. This conclusion is reached by a somewhat leisurely narrative, chiefly of the career of Gustavus Vasa from 1520 to 1544, although a fourth part of the book is devoted to the years 1397-1520, in which the ecclesiastical crisis was preparing. Despite visits to many archives, from the Vatican to Upsala, the author has drawn chiefly on printed Scandinavian sources, from which he quotes with great freedom. Fact succeeds fact without the aid of philosophy or imagination, but all is scholarly, temperate, and clear. To the question of the apostolical succession in the Swedish church

the author makes a contribution of some interest. Was Petrus Magni, who consecrated the first Lutheran bishops in Sweden, himself a duly constituted bishop? Father Martin has sought in vain for any trace of him in the collection of *Litterae formatariae* in the *Archivio di Stato* at Rome, but has discovered in the diary of the pope's master of the ceremonies, Blasio de Martinelli, an entry stating that on 1 May 1524, his predecessor, the bishop of Pesaro, consecrated a titular bishop in his own house. No name is mentioned, but the coincidence of date with that assigned in 1524 by Zutfeld Wardenberg to the consecration of Petrus Magni is significant. Moreover, his friends and enemies alike style Petrus *episcopus*, not *electus*, and no contemporary is known to have questioned the validity of his consecration. The deficiency of bishops in Sweden in 1521, moreover, must have made it absurdly hazardous for him to have relied on receiving consecration there. 'However this may be,' concludes the author, 'it leaves untouched the theological question of the validity of the episcopal ordinations which Petrus Magni afterwards conferred—a question of another order upon which we have not to pronounce here.'

W. F. R.

In *Les Confréries de Vienne au Milieu du XVI^e Siècle* (*Annales du Midi* xxi. 141–61, 1910) M. Claude Faure gives a curious description, derived from local archives, of the thirty-two confraternities into which that city was then divided. Some were religious and charitable associations, and others simple trade guilds. The most important were the 'confrérie du Corps de Dieu' and 'la confrérie des Marchands', which were jointly empowered to administer poor relief.

T. F. T.

In *Le Droit ecclésiastique matrimonial des Calvinistes français* (Paris: Larose & Tenin, 1910) M. Joseph Faurey traces out succinctly the history of the marriage law among the French Calvinists. The introduction describes the existing conditions at the time of the reformation, under the heads of impediments, effects of marriage and betrothals, and the philosophy underlying the canon law; chapter i treats of the ideas of Luther and Calvin upon marriage; chapter ii of promise of marriage; chapter iii of impediments; chapter iv of the celebration, proof, and effects; chapter v of dissolution and remarriage; and chapter vi of the application in France of synodal legislation upon the matter. The introduction is clear and brings out the points as required. The development (or confusion, for it is doubtful which it is) in Luther's mind upon the subject is shown by quotations, which might easily, although unnecessarily, be multiplied. Luther's instincts were not always easy to reconcile with what he held to be demanded of him, and his growing inclination to leave the settlement of most matters to the civil power saved him from the necessity of thinking out a consistent system: to do that belonged to the civil legislation. Calvin started from a point of view apparently more revolutionary, but his sense of theology, law, and logic made him in the end agree with the old system more than did Luther. Calvin also, as is so often the case with him, in the stress he laid upon the spiritual theory, reminds one of the sacramental doctrine. M. Faurey might have brought into greater prominence the insistence by the reforming leaders upon the punishment of death for adultery. The clearest view of Lutheran

teaching is to be got from Melancthon, and in Peter Martyr and Ochino we have the leaders of extreme revolution. Zwingli's legislation for Zürich is interesting, but stands historically apart. The biblical exegesis of all these writers is based upon that of Erasmus, as given in his annotations to the New Testament, and in his *Responsio ad Phimostomum*. The most interesting chapter is that on the synodal legislation and the relations to the civil power. The departure from the stricter regulations of Calvin upon remarriage after divorce, the growth towards a Lutheran position on the part of the Calvinists, and the varying treatment of their regulations by the state, are the main features of the history. And it is useful to have them traced out so clearly and so convincingly. We have here a most interesting example of the divergence between French and Scottish Calvinism, which F. W. Maitland pointed out, and of synodal legislation. J. P. W.

Mr. H. Noel Williams's book-making enterprises generally rise above the usual level, and his *Henri II* (London: Methuen, 1910) represents a good deal of light historical reading, and avoids serious blunders with considerable success, though Gardiner (p. 245) was never bishop of Ely and in 1551 was spending his time in the Tower less agreeably than on the mission to France which Mr. Williams attributes to him. Half the book deals with Henri's life before he came to the throne, and as one expects, court gossip and court circulars form its principal subject-matter. Dates are often misprinted in the notes, and the vagueness of the references would be annoying if ever one felt tempted to verify Mr. Williams's statements. A. F. P.

Mr. Armstrong contributes a graceful and pleasing introduction to Miss L. Klingenstein's *Great Infanta* (London: Methuen, 1910); and the application of such a title to Philip II's favourite daughter is doubtless justified by the limited number of infantas and limited range of their capacities. Certainly, Isabella is a more attractive figure than most of the Spanish Habsburgs; and she is entitled to a biography by reason of her chances of succeeding to the English throne and her actual sovereignty of the Spanish Netherlands. Miss Klingenstein does not pretend to do more than write a biographical and character sketch of a sympathetic princess. A. F. P.

The castle of Nachod on the Silesian frontier of Bohemia has a most interesting history, more especially in connexion with the age of the Thirty Years' War. It was for a time in the possession of the Smiricky family (of which Wallenstein's mother was a member, indeed the Jesuit Cruger's chronicle states it to have been his birthplace); it sheltered the winter king during his last night in Bohemia; it was then owned by Wallenstein's brother-in-law Trčka; and, after the Eger tragedy and the battle of Nördlingen, it passed into the hands of Count (not till sixteen years later Prince) Octavio Piccolomini. It is for researches in the history of the last-named general and statesman that the present archivist of Nachod, Herr O. Elster, appears to have been specially anxious to utilize his opportunities; since the *Piccolomini-Studien* (Leipzig: G. Müller-Mann, 1911) now before us form only one of a series of inquiries completed

or in contemplation. But the little work in our hands is full of matter, which, better arranged, might have formed a remarkable essay. It gives, in the first instance, a lucid account of the transactions which led up to the assassination of Wallenstein, and shows, with the aid of letters at Naehod from Piccolomini and from some of the murderers, what were the actual limits of his share of responsibility for the deed. He had not entered into a plot against Wallenstein, nor was it till the arrival of the imperial order to seize the rebel 'alive or dead' that he had handed on the commission to Butler. Moreover, what he had done he had done from a sense of duty only, and was perfectly willing to resign his commands rather than be accused of having sought to promote private or Italian as against German interests. In the second place, Herr Elster, after driving a last nail into the dead theory of Schiller's having converted Octavio's kinsman Joseph Silvio Piccolomini into the Max of the play, indulges himself and his readers in the luxury of a real discovery—though not one *ad rem*—viz. that of a (probably illegitimate) son of Octavio, named Ascanio, who died a hero's death in 1643. Finally, his researches have revealed to him a previously unknown first wife of Octavio, a Princess of Barbançon-Arenberg, to whom his letters show him to have been devotedly attached. Interspersed, however, with these curious discoveries are chapters which show, with clearness and force, the great services rendered by Piccolomini to both branches of the House of Habsburg, and to the Austrian in especial. His military services, which in the end were acknowledged by his appointment to the command-in-chief of all the imperial armies, were pre-eminently those of a great reorganizer; but he gained victories in the open field, and in 1640 and 1641 cleared Bohemia and Saxony from the foe. As a statesman he took the lead in the congress of Nürnberg (1648-50), by which in the face of many difficulties the Peace of Westphalia was rendered an accomplished fact. He was unswervingly loyal in all the public as well as private relations of his life; and, though it fell to his lot to play an ugly part in an ugly episode, it is time that he should no longer be treated as a stage-figure only.

A. W. W.

In *Maryland under the Commonwealth* (Baltimore: Johns Hopkins University Studies in Historical and Political Science, xxix. 1, 1911) Dr. B. C. Steiner, who is an acknowledged authority on the early history of that colony, gives a careful and exhaustive account of the years 1649 to 1658, based on material supplied by the Maryland archives, the Calvert papers, and the *Maryland Historical Magazine*. The conclusion reached is very favourable to the merits of Lord Baltimore's statesmanship. H. E. E.

In the *Quakers in the American Colonies* (London: Macmillan, 1911) Professor K. M. Jones has succeeded in writing a lucid and scholarly history of the Quaker movement in America, which, while written from a sympathetic point of view, is yet not a mere panegyric, on the lines of Bowden's *History of Friends in America*. Dr. J. Sharpless contributes to the volume the book on 'The Quakers in Pennsylvania'. His chapter on William Penn and the Friends in the revolution seem of special merit in an excellent volume.

H. E. E.

In his pamphlet on *Die merkantilistische Währungspolitik Herzog Leopolds von Lothringen (1697-1729) mit besonderer Berücksichtigung der Geschichte John Law's* (III. Ergänzungsheft zum Jahrbuch der Gesellschaft für lothringische Geschichte und Altertumskunde. Leipzig: Quelle & Meyer, 1910) Dr. Alfred Weyhmann endeavours to illustrate by the example of a small mercantilistic state G. F. Knapp's *Staatliche Theorie des Geldes*, which in opposition to the purely 'metallistic' conceptions of the value of currency lays stress on its authoritative regulation in the different systems of political economy. The government of Lorraine at the beginning of the eighteenth century was always trying, on principle, to keep the legal value (*valeur extrinsèque*) of the denominations it coined or admitted in accordance with their metallic value (*valeur intrinsèque*), and consequently with the price at which its mint bought the precious metals. But first this equation all along started from the wrong side, for the mint price was not left to the bullion market, but was fixed by law as well as the legal value of the currency, so that it practically followed, instead of being followed by, it. And secondly, even the policy of gradually reducing the value, by which it was attempted to efface its difference from the ideal *juste prix*, proved impracticable, because it increased intolerably the drain of metallic currency to which Lorraine was continually subjected by France, with its strong demand and usually still higher values of coinage. Only such a violent measure as the compulsory exchange which the French government in 1719 gave to the notes of John Law's bank above the metallic currency could for a short time turn the tide towards Lorraine and enable its government, of whose economic activity the impression is on the whole not unfavourable, to raise in half a year loans to the amount of six million livres (p. 71, though afterwards Dr. Weyhmann constantly writes seven). Three years later, indeed, the assimilating forces of the interterritorial market had stripped the state of Lorraine of all these advantages and, through the failure of its privileged *Compagnie de Commerce*, brought it, like France, to the verge of bankruptcy. C. B.

The first two volumes of *Gedenkschriften van Gijsbert Jan van Hardenbroek, 1747-87*, were edited for the Utrecht Historical Society by Dr. F. J. L. Krämer in 1901 and 1903; the third is brought out by Dr. A. J. van der Meulen (Amsterdam: Müller, 1910). The memoirs, or diary, to which form, indeed, they approximate, are very brief in the earlier years, and appear to have been put together from notes jotted down by the writer, occasionally without precise indication of date. After 1758, when Hardenbroek's political career really began, they become fuller, and matters of local interest relating to Utrecht give place to matters of more general interest. In 1768 Hardenbroek became a member of the secret committee on foreign affairs, and this and other opportunities brought him into frequent contact with all the principal men in the country. As the war with England gets nearer the notes become much fuller. His method is to write down the substance of what he heard, and this he does for all sorts of opinions, merely prefacing them with the name of the person with whom he had been talking. (Their names are written in Greek characters, though it is not clear why, if secrecy was his object, he

sometimes at once proceeds to refer to the speaker.) The writer speaks but little of himself or his own affairs, but he was independent and honest, and appears to have written merely for his own purposes and not with a view to publication either during his life or afterwards. The record is therefore one of great value for the opinions and policies of the politicians of his day. Dr. Krämer claims that the memoirs are a source of the first importance for our knowledge of the forty years of Dutch history between the restoration of the Stadholdership in 1747 and 1787, when the prince of Orange regained power with foreign assistance. But their importance evidently lies mainly in the light which they throw on the play of policy and motive, and on the characters of the persons concerned. The memoirs are edited with full biographical and other notes, and are furnished with a good index.

H. L.

In *Annales de Bretagne*, xxvi. 2, pp. 307-51, Lieutenant H. Binet continues his studies on *La Guerre de Côtes en Bretagne au dix-huitième Siècle* by an elaborate article on *Le Commandement du Duc d'Aiguillon en Bretagne au Début de la Guerre de Sept Ans (1756)*. Some alarm was caused by the English occupation of the Chausey Islands, and very elaborate plans of defence, including a much improved service of horse posts, were the results of the activity thus excited.

T. F. T.

M. Arthur Chuquet's *Épisodes et Portraits* (Paris: Champion, 1911) is a volume of short studies mainly, but not entirely, devoted to the revolutionary and Napoleonic age. The author excels in destructive criticism. Nothing could be better done than his demolition of the *Journal of Captain François*, of the *Memoirs of General le Grand and Captain Comeau*, and of the *Journal of Joseph Steinmüller*, the sergeant-major from Baden who has helped himself so liberally from Labaume's well-known work on the Russian campaign. The volume, however, is not all iconoclasm. It contains a pleasant sketch of Napoleon's life at Finkenstein based on Dr. Erich Joachim's book, descriptive reviews of Lucien Perey's *Duc de Nivernais*, Grabowski's *Mémoires Militaires*, Metternich's *Letters to Madame de Lieven*, Alfred Duguet's *Study of Frœschwiller*, and an account of that curious journal of Primi Visconti which throws such a vivid and unpleasing light upon the court of Louis XIV. Among the minor pieces is the story of Latouche, whose successful impersonation of Napoleon in 1812 is recounted in the *Mémoires de Griois*.

H. A. L. F.

In *La première Commune révolutionnaire de Paris et les Assemblées nationales* (Paris: Hachette, 1911) M. Lacombe describes with all needful detail the rise of the revolutionary commune of Paris on 10 August 1792, its trenchant action on that and the following days, and the attempt of the legislative assembly to abolish it. He also discusses its responsibility for the September massacres, and follows the course of its struggle with the convention down to its dissolution in December 1792. The minuteness of his method may be gathered from the fact that he devotes 385 pages to the story of these four and a half months. Yet detail is essential if one is to probe such questions; indeed, it might be desired that he had set

forth *seriatim* the decrees of the commune which ensured its entire control over the prisons of Paris, the institution of a special tribunal, and other measures (including a domiciliary search) which led to the capture of most of the royalists then in Paris. A survey of these decrees shows convincingly the responsibility of the commune for the policy which led up to the massacres. M. Lacombe looks on Marat as the chief motive force in bringing about the massacres; but on pp. 83 and 90 in two careful passages he disproves Louis Blanc's effort to exculpate Robespierre. He also shows that the murderers did not exceed 200 in number and were paid by the commune, and that three sections out of the forty-eight into which Paris was divided passed decrees approving the deed; but, as he says, it is doubtful how many men were present when the three sections passed those decrees, and the attitude of the greater part of Paris was one of stupor rather than of approbation. In conclusion M. Lacombe points out that the coercion of the convention by the rabble of Paris on 2 June 1793 was the 'supreme crime' of the revolution. The phrase is perhaps exaggerated, but the evil results of that day of mob violence were immense; and it resulted from the ascendancy which the first revolutionary commune gained in 1792. It is strange that the date of that event is given in the preface as 2 juin, 1792.

J. H. RE.

In *Annales de Bretagne*, xxvi. 1, 1910, M. A. Guillon studies with much detail *La Vente des Biens du Clergé et des Emigrés à Rennes pendant la Révolution*. He shows how various churches and monasteries held wide stretches of land that nearly surrounded the ancient city. By their sale, or devotion to public uses, the growth of the new quarters with their spacious places and broad streets was rendered possible. T. F. T.

The second volume of the *Mémoires et Journaux* of General Decaen (Paris: Plon, 1911) is of rather more general interest than the first instalment published in 1910 and dealing with Decaen's services down to 1800. His share in the campaigns in Germany of 1794, 1796 (Moreau's), and 1799 (Jourdan's) was creditable enough, but his very detailed narrative contains little to affect the main story of those operations. The second volume opens with an account of the later stages of the campaign of 1800 in Germany, including Moreau's great victory at Hohenlinden, in which success Decaen played a leading part. His division was employed in the decisive flank movement on the French right, and in the subsequent operations it distinguished itself again in forcing the passage of the Salzach. These and other services seem to have won for Decaen the confidence of Moreau, and thus led to his making the efforts which he narrates in the second book to check the growth of the estrangement between Moreau and Bonaparte. Decaen shows that this was in no small degree due to female interference, Moreau's wife and mother-in-law, women of equal ambition and folly, exercising a very mischievous influence over him. The third section of the volume deals with Decaen's departure for India. He was sent out at his own request, having always been keenly interested in the East from reading Dupleix's memoirs and hearing in his boyhood of Suffren's exploits (p. 251). to be captain-general of the French establishments in India, but only

arrived at Pondicherry after war had actually broken out again in Europe, though it was not yet known in India. However, he found the attitude of the English so hostile and menacing, a squadron being actually off Pondicherry, that he withdrew to Mauritius without landing. The volume makes it perfectly clear that Napoleon intended Decaen to do all that was possible to revive French influence over the native states, and oppose the extension of British rule, and the action of Lord Wellesley in refusing to restore the French possessions was quite justified, notwithstanding Decaen's protests and appeals to the terms of the treaty of Amiens. One point of special interest is the account Decaen gives of the Cape of Good Hope, where he spent some time on the voyage out; and his condemnation of Napoleon's attempt to recover St. Domingo (p. 253) is also noteworthy. C. T. A.

The object of Mr. Harry Sirr's *Ipsissima Verba* (London: Whitwell Press, 1911) is to vindicate the character of Major Henry Charles Sirr, acting town-major of Dublin during a period covering the Irish rebellion, from the aspersions of Dr. R. R. Madden, Mr. W. F. Fitzpatrick, and others. The historical interest of the tract is slight. Major Sirr has, indeed, been abused by certain writers of strong popular sympathies, but in the judgement of fair-minded historians he simply acted as a faithful officer of the law, at a time of public peril, with conspicuous courage and ability; and whatever view may be taken of the policy of the government, Major Sirr's public conduct seems to require no further vindication. G. H. O.

La Municipalité de Genève pendant la Domination Française, by M. Édouard Chapuisat (2 vols. Paris: Champion, 1911), is a collection of extracts from the municipal registers and correspondence. M. Chapuisat, who writes in his official capacity as secretary of the administrative council, declares 'Le choix de nos extraits nous a été dicté par une double considération: satisfaire aux besoins de l'administration de la ville de Genève et servir les intérêts de la science historique'. Thus the work is mainly of local interest dealing with every aspect of the life of the town and its citizens during the years 1798-1814. The introduction, which covers some 187 pages, claims wider notice, treating as it does such subjects as the causes of the annexation and the growth of an 'esprit public' among the citizens. The first of these bulky volumes deals with the municipality under the directory, the second with the period of the consulate and empire. There are some good plans and an excellent index. C. E. M.

Neither the historian nor the politician will be disposed to underestimate the value of a single volume which includes the texts of more than one hundred treaties and other important state documents of all nations, dating since 1815. In *Les Grands Traités Politiques* (Paris: Alcan, 1911) M. Pierre Albin has accomplished this object, and gives us not only such famous documents as the treaties of Vienna, Paris, Frankfort, Berlin, and Portsmouth, but a number of little known and not easily accessible texts relating to such states as Morocco and Abyssinia, China, Thibet, Chili, Peru. The editor's own notes are very short. G. B. H.

Professor Egerton in his *Federations and Unions within the British Empire* (Oxford: Clarendon Press, 1911) has collected and annotated the

texts of seven important documents, including the constitutions of British North America, the Australian Commonwealth, and South Africa. To have them in so handy a form is most useful, and the value of the book is enhanced by a clear and comprehensive introduction and a good bibliography. Of Professor Egerton's own observations, the most striking is his suggestion that the American Civil War saved the westward expansion of Canada from being anticipated by an inroad of American pioneers, whose government might in the circumstances have refused to recognize British 'rights resting on charters, unenforced by occupation' (p. 28). S.

The English translation, enriched with considerable additions by the author, of Dr. Hermann Levy's *Large and Small Holdings* (Cambridge: University Press, 1911), is a welcome and notable addition to the library of the economic historian. It is true that the second and longer portion of the treatise is devoted to an investigation of the circumstances of the present day, which, our author considers, favour, in most departments of agricultural enterprise in the older countries of the world, the small as contrasted with the large holder; but nevertheless his estimate is derived from, and accords with, his interpretation of the past. For he believes that 'the development of the large farm system and the decay of the small holding', which are the subject of his first part, were essentially due to the substitution of that corn-growing in place of vegetable and dairy produce which is now, with a fresh revolution in the wheel of economic destiny, becoming unprofitable. As he criticizes with severity other accounts furnished of that interesting episode of history, so his own narrative will perhaps be considered to lay exclusive, or at any rate excessive, stress on particular influences; and the effect, for example, which he attributes to the Corn Laws, as working consciously or inevitably in the same direction as the main economic factor he adduces, betrays a subtlety which may well excite suspicion of bias. Still, it is refreshing and illuminating to find a writer insisting on the very pertinent circumstance that the yeomen were a genus containing not a few different species, and Dr. Levy's review of the past is supported throughout by acute observation and by erudite research.

L. L. P.

The wrangle, now of long standing, over the privileges and precedence of baronets is responsible for the appearance of *The Baronetage under Twenty-seven Sovereigns, 1308-1910* (London: Nisbet, 1911), of which the title will probably be enough for historical scholars. In any case, the appearance of the battle of Boroughbridge, on its opening page, in the statement that 'In the Battle of Barrenberg (*sic*) Barons and Baronets were comrades of the Count of Lancaster' will afford sufficient indication of the character of the book. For the period since the actual origin of the baronetage, three centuries ago, its information has largely appeared already in Mr. Pixley's *History of the Baronetage*, 1900. The book seems to be only of value as a record of the continued agitation since the appearance of that work. One may, however, express approval of the criticism on the report by the departmental committee at the Home Office, as to proof of right, namely, that 'many spurious cases would be given validity if any slackness were permitted'.

J. H. RD.

Parts iii and iv of the fifth volume of the *Historical Geography of the British Colonies*, by Mr. J. D. Rogers (Oxford: Clarendon Press, 1911), complete the treatment of Canada and Newfoundland in this series, to which Sir Charles Lucas and Professor Egerton have already contributed historical accounts of French and of British Canada respectively. In the earlier parts the influence of geography upon Canadian history was shown very fully; but although there might appear to have been little history left for Mr. Rogers to glean, he has succeeded in giving to his contribution a strong human element. He writes in his preface: 'Canada is bounded, so to speak, by Cartier and Champlain on the east, by Cook and Vancouver on the west, by the loyalists and Sir George French on the south, and by Parry and Franklin on the north;' and his theme might be taken to be the peopling of Canada as determined by geographical (especially geological) influences. This is worked out in a most minute and painstaking way; the author himself admits once that 'matters like these belong to parochial rather than to national history'. This criticism might be extended to the plan of the book as a whole, since the separate treatment of each of the districts is not followed by a general summing up. Yet the volume gives a remarkably complete account of the factors that make up the unique nationality of Canada. Mr. Rogers is ever seeking to enliven his narrative by artifices of style, and although alliterations and assonances may sometimes jar upon the reader, the metaphors and similes are not merely clever but illuminating. By putting in the forefront the northern regions explored in the sixteenth century by Frobisher, Davys, and others, the author reminds us that the 'Canada' of Cartier and Champlain was but a fragment of the future Dominion, and that the daughter-state of to-day did not first enter her mother's house by adoption in 1763. When this series was planned, it was expected that ere its completion Newfoundland would be included in the Dominion of Canada, and the two were accordingly grouped together. Had the union been accomplished, Newfoundland would have been treated at little greater length than Nova Scotia; but as a self-governing colony it requires a whole 'part' to itself, though it supplies little matter of interest or importance to the geographer and historian of the empire. Its domestic destinies have been determined almost solely by the fisheries: its relations with the outer world have for two centuries been entirely unromantic and argumentative, and even for this sort of history original materials are withheld by the regulations of the Record Office. The book was a necessary one, and, unfortunately, necessarily an arid one; but Mr. Rogers, with his imaginative style and his instinct for the human interest, has made the most of an uncongenial task. It is a pity that this series is not more generous with regard to maps. J. M.

Mr. Charles Dawson's *History of Hastings Castle* (London: Constable, 1909), which is brought down to the reign of Henry VIII, is contained in two quarto volumes, and forms a quarry of information for those who are interested in the locality. Mr. Dawson prefers translating his materials *verbatim* to digesting them into narrative form; and the text is so little related to the illustrative documents that a reader who confined his atten-

tion to the matter given in large type would come away little the wiser as to the fortunes of Hastings Castle. Thus a quotation from the Pipe Rolls produces a page on the exchequer system of Henry II, borrowed from the *Dialogus de Scaccario*. The fact that Becket was once dean of Hastings justifies Mr. Dawson in giving at full length the story of Becket's murder. More often even this thin thread of connexion is absent, as on p. 144. The worth of such miscellaneous information may be questioned, and its accuracy in some points impugned. Thus at p. 75 Peter des Roches is confused with Pandulf, who appears in the new rôle of justiciar. The records of Hastings Castle are all given in English translations, because

the lack of special knowledge and opportunities under which the majority of students of history labour renders it impossible for them to study our ancient chronicles and records in the original form. . . . The author believes that average readers will prefer to read their ancient records and chronicles in the same way as most persons read their Bibles, that is, by means of a translation, and he has provided accordingly (p. v).

The average reader does not need a translator but an interpreter. Here however the extracts from the Pipe Rolls of Henry II are given in two pages of small type (pp. 56-7) without comment or clue as to their bearing upon the subject in hand. The numerous entries on the Patent Rolls of institutions to prebends in the collegiate church of Hastings are all set out in footnotes to vol. i, though summarized in far more convenient form in vol. ii. Nor will the references given to documents, as Mr. Dawson hopes, 'prove sufficient.' 'Rot. Pat. Inq.' (p. 259 n.) leaves it doubtful whether the Patent Rolls or Inquisitions are cited. 'Carl. Ho. Ride MSS.,' without further specification, are cited on the same page, though the records in Carlton Ride were transferred to Chancery Lane sixty years ago. Other instances are 'Latin MSS. 629, Record Office' (p. 85), 'Bodley MSS. Oxon.' (p. 301). Mr. Dawson quotes from the Pipe Rolls (pp. 56-7) several entries of payments made for the rebuilding of Hastings Castle in the reign of Henry II (the most important entry lurks obscure and misunderstood at p. 18 n. 2). Now the castelry of Hastings is entered in Domesday as having been granted to Robert, count of Eu, who was the founder of the collegiate church within the castle. There is no direct evidence that it came into the hands of the crown before 1200, in which year the estates of the count of Eu were seized by King John. How, then, do the charges for the rebuilding of the castle in the time of Henry II come to be entered on the Pipe Rolls and borne by the crown? Mr. Dawson sees no difficulty, and treats the counts of Eu as owners of the castle throughout the twelfth century. Apart from a valuable catalogue of the issues of the Hastings mint by Mr. G. F. Hill, the best executed and most useful portion of this work is the series of lists of prebendaries of Hastings in the second volume. Mr. Dawson also prints a few medieval muster-rolls for the rape of Hastings which will be welcome to Sussex archaeologists. The second volume also contains architectural descriptions of the churches attached to the various prebends of the collegiate church, an architectural account of Hastings Castle, and a collection (in translated form) of the sources for the history of the battle of Hastings. The illustrations to these volumes, particularly those of seals, are well executed, but the index is inadequate.

H. H. E. C.

INDEX

TO

THE TWENTY-SIXTH VOLUME

ARTICLES, NOTES, AND DOCUMENTS

- ABINGDON, A chronicle roll of the abbots of : by the Rev. [H. E. Salter](#), [727](#)
- Adelard of Bath : by Professor Haskins, [491](#)
- Athelstan, King, A Latin poem addressed to : by W. [H. Stevenson](#), [482](#)
- Avranchin, The inquest of 1171 in the : by Professor Haskins, [326](#)
- BONIFACE IX, Two bulls of, for the abbot of St. Osyth : by E. Beck, [124](#)
- Burgundian notes. i : The Alpine son-in-law of Edward the Elder : by R. L. Poole, [310](#)
- Burnet, Gilbert, Some unpublished letters of George Savile, Lord Halifax, to : by Miss D. L. Poole, [535](#)
- CLUNY and Gregory VII : by Miss L. M. Smith, [20](#)
- Cromarty, Grant by King Robert Bruce of the sheriffdom of, 1315 : by F. Madan, [328](#), [640](#)
- Cromwell and Sir Henry Vane : by Professor Firth, [751](#)
- Customs revenue of Edward II : by Sir J. [H. Ramsay](#), [97](#), [432](#)
- DELISLE, Léopold : by Sir E. Maunde Thompson, [76](#)
- EDWARD the Elder, The Alpine son-in-law of : by R. L. Poole, [310](#)
- Edward II, Customs revenue of : by Sir J. [H. Ramsay](#), [97](#), [432](#)
- The year books of : by Professor Geldart, [239](#)
- Elections on taking office, Opposed : by the Rev. A. B. Beaven, [139](#)
- England and Sicily in the twelfth century : by Professor Haskins, [433](#), [641](#)
- Essex manor, An, in the fourteenth century : by K. G. Feiling, [333](#)
- Exchequer, The weiger of the : by J. [H. Round](#), [724](#)
- Ferriby, North, The order of the Temple at : by E. Beck, [498](#)
- FIREARMS in England in the fourteenth century : by Professor Tout, [666](#)
- GEORGE I and Peter the Great after the Peace of Nystad : by J. F. Chance, [278](#)
- Gregory VII and Cluny : by Miss L. M. Smith, [20](#)
- Gregory VII's demand for fealty from William the Conqueror : by Z. N. Brooke, [225](#)
- HALIFAX, George Savile, Lord, Some unpublished letters of, to Gilbert Burnet : by Miss D. L. Poole, [535](#)
- Henry I, A dated charter of : by the Rev. [H. E. Salter](#), [487](#)
- Henry VIII, The letters and papers of : by Professor Pollard, [257](#)

INFEUDATIONES Militum of 1172, Norman, The honour of Mortain in the : by Professor Powicke, [89](#)
 Isabel, Queen, The arrest of Roger Mortimer and : by C. G. Crump, [331](#)

LINCOLN episcopal registers, Confirmations of Oxford Chancellors in the : by S. Gibson, [501](#)
 Lollards, The thirty-seven conclusions of the : by the Rev. H. F. B. Compston, [738](#)

MANUMISSIONS, Early, at Staunton, Nottinghamshire : by F. M. Stenton, [93](#)
 Mary, abbess of Shaftesbury : by J. C. Fox, [317](#)
 Mortain, The honour of, in the Norman Infeudationes Militum of 1172 : by Professor Powicke, [89](#)

NYSTAD, Peace of, George I and Peter the Great after the : by J. F. Chance, [278](#)

OSYTH, St., Two bulls of Boniface IX for the abbot of : by E. Beck, [124](#)
 Otir, Jarl, and Ragnall Ivarson : by Sir H. H. Howorth, [1](#)
 Oxford Chancellors, Confirmations of, in the Lincoln episcopal registers : by S. Gibson, [501](#)

PECOCK, Reginald : by the Rev. E. M. Blackie, [448](#)

Peter the Great and George I after the Peace of Nystad : by J. F. Chance, [278](#)

'Pipe Roll,' The origin of the name : by Sir J. H. Ramsay, [329](#)

'Pipes' of Rolls : by Sir J. H. Ramsay, [749](#)

Poem, A Latin, addressed to King Athelstan : by W. H. Stevenson, [482](#)

Prize jurisdiction, Early, and prize law in England, iii : by R. G. Marsden, [34](#)

Prophecies, Anna Trapnel's : by C. Burridge, [526](#)

RAGNALL Ivarson and Jarl Otir : by Sir H. H. Howorth, [1](#)

Robert Bruce, King, Grant by, of the sheriffdom of Cromarty, 1315 : by F. Madan, [328](#), [640](#)
 Roger Mortimer and Queen Isabel, The arrest of : by C. G. Crump, [331](#)

SEABURY, Bishop : by G. B. Hertz, [57](#)
 Shaftesbury, Mary, abbess of : by J. C. Fox, [317](#)

Shrewsbury, Two governors of, during the Great Civil War and the Interregnum : by Miss H. Johnstone, [267](#)
 Sicily and England in the twelfth century : by Professor Haskins, [433](#), [641](#)

Sigismund's visit to England, A legend of : by C. L. Kingsford, [750](#)

Staffordshire, A Puritan survey of the church in, in 1604 : by A. Peel, [338](#)

Staunton, Nottinghamshire, Early manumissions at : by F. M. Stenton, [93](#)

St. Osyth, Two bulls of Boniface IX for the abbot of : by E. Beck, [124](#)

TANGIER, the English at : by Miss E. M. G. Routh, [469](#)

Temple, The order of, at North Ferriby : by E. Beck, [498](#)

Totnes in 1342, A visitation of the archdeaconry of : by G. G. Coulton, [108](#)

Touraine, The panic of 1789 in : by Miss M. A. Pickford, [703](#)

Trapnel, Anna, Prophecies of : by C. Burridge, [526](#)

VANE, Sir Henry, and Cromwell : by Professor Firth, [751](#)

WALDRIC, the chancellor of Henry I : by H. W. C. Davis, [84](#)

Wars of Religion, 1569-73, Documents illustrating the : by M. Wilkinson, [127](#)

William the Conqueror, Pope Gregory VII's demand for fealty from : by Z. N. Brooke, [225](#)

YORKISTS, A defence of the proscription of the, in 1459 : by J. P. Gilson, [512](#)

LIST OF REVIEWS OF BOOKS

ACHÉLIS (A.) & Gentil de Vendosme (P.) *Le siège de Malte par les Turcs en 1565*, 208

Achtnich (K.) *Der Bürgerstand in Strassburg bis zur Mitte des 13. Jahrhunderts*: by Professor Powicke, 571

Acton (Lord) *Lectures on the French Revolution*: by Professor Montague, 599

Albin (P.) *Les grands traités politiques*, 847

Alcuin Club Collections, 203

Allen (A. M.) *A history of Verona*: by K. H. Vickers, 777

Amira (K. von) *Der Stab in der germanischen Rechtssymbolik*: by Professor Vinogradoff, 561

Ammiani Marcellini *Rerum gestarum libri qui supersunt*, ed. by C. U. Clark: by Professor Souter, 552

Annales de Bretagne, xxv, xxvi, 830, 845, 846

Annales du midi, xxii, 835, 841

Armstrong (E.) *The Emperor Charles V* (2nd ed.), 430

Aulard (A.) *Napoléon I^{er} et le monopole universitaire*: by H. A. L. Fisher, 807

— *The French Revolution*, English tr., 212

BALLOT (C.) *Les négociations de Lille (1797)*: by J. Holland Rose, 604

Bardon papers, ed. by C. Read, 209

Baronetage, The, under 22 sovereigns, 848

Barron (D. G.) *In defence of the Regalia [1651-2]*: by Miss H. Johnstone, 789

Bayley (A. R.) *The Great Civil War in Dorset*: by Miss H. Johnstone, 185

Bigelow (J.) *The campaign of Chancellorville*: by W. B. Wood, 816

Binet (H.) *Saint-Malo et la région malouine après les descentes anglaises de 1758*, 425

Boehmer (H.) *Les Jésuites*, French tr., 421

Borrelli de Serres (Colonel) *Recherches sur divers services publics du XIII^e au XVII^e siècle*, iii: by W. E. Rhodes, 383

Bothe (F.) *Gustav Adolfs und seines Kanzlers wirtschaftspolitische Absichten auf Deutschland*: by C. Brinkmann, 582

Botsford (G. W.) *The Roman assemblies, from their origin to the end of the republic*: by H. S. Jones, 149

Bouché-Leclercq (A.) *Leçons d'histoire romaine: république et empire*, 410

Bruce (P. A.) *Institutional history of Virginia*: by Professor Egerton, 183

Brugmans (H.) & Oppermann (O.) *Atlas der Nederlandsche Palaeographie*, 200

Bryce (J.) *The American Commonwealth*, revised ed., 430

Buchner (M.) *Zur Datierung und Charakteristik altfranzösischer Krönungsordnungen*, 620

Bury (J. B.) *The constitution of the later Roman Empire*, 411

— *The imperial administrative system in the ninth century, with a revised text of the Kletorologion of Philotheos*: by E. W. Brooks, 766

Bussell (F. W.) *The Roman Empire: essays on the constitutional history [A. D. 81-1081]*: by E. W. Brooks, 353

Byzantinische Zeitschrift, xix, 1, 201

Calendar of close rolls, Edward III [1364-8], 625

Calendar of patent rolls, Henry V, i [1413-16], 837

— Henry VI, vi [1452-61]: by C. L. Kingsford, 579

Calendar of the plea rolls of the Exchequer of the Jews, ii, Edward I [1273-5], ed. by J. M. Rigg: by Professor Liebermann, 380, 640

Calendar of state papers, colonial, America and West Indies [1701]: by Professor Egerton, 798

— *domestic [1675-8]*: by Professor Firth, 796

— *foreign*, Elizabeth, xvi [May to December 1582], ed. by A. J. Butler: by Professor Pollard, 177

Calvi (E.) *Bibliografia di Roma nel cinquecento*, 201

Camaldoli, *Regesto di*, ed. by L. Schiaparelli and F. Baldasseroni, ii, 834

Cambridge Antiquarian Society, *Proceedings*, xiv, 2, 831

Cambridge county geographies, ed. by F. H. H. Guillemard, 222

Cambridge history of English literature, v, vi, 422

- Cambridge modern history, *The*, vi:
by W. E. Rhodes, 187
— xii: by G. B. Hertz, 612
- Canisius, Petrus, *Epistolae*, v, 421
- Cartellieri (A.) *Philipp II August*, iii, 620
- Cartellieri (O.) *Geschichte der Herzöge von Burgund [1363-1477]*, 624
- Carter (C. E.) *Great Britain and the Illinois country [1763-74]*, 211
- Caudrillier (G.) *L'association royaliste de l'institut philanthropique à Bordeaux, et la conspiration anglaise en France pendant la 2^e Coalition*, 215
- Celier (L.) *Catalogue des actes des évêques du Mans jusqu'à la fin du XIII^e siècle*: by H. W. C. Davis, 565
- Cellini (Benvenuto) *Life*, tr. by R. H. H. Cust, 840
- Champneys (A. C.) *Irish ecclesiastical architecture*: by Professor Baldwin Brown, 762
- Chapuisat (E.) *La municipalité de Genève pendant la domination française*, 847
- Chart (D. A.) *Ireland from the union to catholic emancipation*, 215
- Cheshire, *Tracts relating to the Civil War in [1641-59]*, ed. by J. A. Atkinson: by Miss E. Scott, 390
- Childs (W. M.) *The town of Reading during the early part of the nineteenth century*, 223
- Chuquet (A.) *Épisodes et portraits*, 845
- Cohn (W.) *Geschichte der normannisch-sicilischen Flotte unter der Regierung Rogers I und Rogers II*, 413
- Coltibuono, *Regestodi*, ed. by L. Pagliari, 834
- Corbett (J. S.) *The campaign of Trafalgar*: by C. T. Atkinson, 398
- Cordey (J.) *Correspondance de Louis-Victor de Rochechouart, comte de Vivonne*, 629
- Cornish (F. W.) *The English church in the nineteenth century*: by G. McN. Rushforth, 605
- Cowan (S.) *The lord chancellors of Scotland*, 838
- Cox (J. C.) *Parish registers of England*, 221
- Craig (Sir Thomas) *De unione regnorum Britanniae tractatus*, ed. by C. S. Terry: by W. K. Dickson, 787
- Crivellucci (A.) *Le origini dello Stato della Chiesa*: by T. Hodgkin, 159
- Cuenca, *Fuero de (Forum Conche)*, ed. by G. H. Allen: by H. W. C. Davis, 168, 432
- Cunningham (Audrey) *British credit in the last Napoleonic war*, 422
- Cunningham (W.) *Growth of English industry and commerce during the early and middle ages (5th ed.)*, 430
- Curlo (J.) *A Roman frontier post and its people; the fort of Newstead in the parish of Melrose*: by H. S. Jones, 355
- D'ALTON (E. A.) *History of Ireland*, 618
- Danica, *Acta Pontificum*, iv, ed. by A. Krarup and J. Lindbaek, 418
- Danton, *Discours*, ed. by A. Fribourg: by Professor Montague, 394
- Davidsohn (R.) *Geschichte von Florenz*, ii: *Guelphen und Ghibellinen*, 1, and *Forschungen zur Geschichte von Florenz*, iv: by G. Baskerville, 371
- Dawson (C.) *History of Hastings castle*, 849
- Debidour (A.) *Recueil des actes du Directoire exécutif*, 632
- Decaen (général) *Mémoires et journaux*, 846
- Deichert (H.) *Die akademische Freiheit in Helmstedt während des 16. und 17. Jahrhunderts*, 421
- Delannoy (P.) *La juridiction ecclésiastique en matière bénéficiaire sous l'ancien régime en France*, i: by the Rev. Professor Watson, 387
- Delaville le Roulx (J.) *Mélanges sur l'ordre de S. Jean de Jérusalem*: by Miss L. Toulmin Smith, 568
- Delisle (L.) *Instructions pour la rédaction d'un catalogue de manuscrits*, 410
- Des Marez (G.) *L'apprentissage à Ypres à la fin du XIII^e siècle*, 622
- Díaz del Castillo (B.) *The true history of the conquest of New Spain*, ii, iii, Engl. tr., 207
- Dickson manuscripts, 428
- Diehl (C.) *Manuel de l'art Byzantin*: by Professor Bury, 156
- Diehl (E.) *Vulgärlateinische Inschriften*: by A. C. Clark, 550
- Domaszewski (A. von) *Geschichte der römischen Kaiser*: by H. S. Jones, 153
- Du Bellay (Martin & Guillaume) *Mémoires*, ed. by V. L. Bourrilly and F. Vintry, 1, ii, 627
- Dubois (C.) *Pozzuolos antique, histoire et topographie*, 410
- Du Breil de Pontbriand (Vicomte) *Le comte d'Artois et l'expédition de l'île d'Yeu*, 632

- Du Breil de Pontbriand (Vicomte) *Le dernier évêque du Canada français ; Monseigneur de Pontbriand* [1740-60], [424](#)
- Dubrenil (L.) *La Révolution dans le département des Côtes-du-Nord*, [425](#)
- EATON (A. W. [H.](#)) *History of King's County, Nova Scotia* [1604-1910], [224](#)
- Egerton (H. E.) *Federations and unions within the British Empire*, [847](#)
- Eicke (H.) *Der ostpreussische Landtag von 1798*, [426](#)
- Elliott-Drake (Lady) *The family and heirs of Sir Francis Drake*: by Professor Firth, [785](#)
- Elster (O.) *Piccolomini-Studien*, [842](#)
- Endres (J. A.) *Thomas von Aquin*, [415](#)
- English Association, Essays and studies by members of the*, [637](#)
- FAUREY (J.) *Le droit ecclésiastique matrimonial des Calvinistes français*, [841](#)
- Fennebresque (J.) *Versailles Royal*, [639](#)
- Firth (C. [H.](#)) *The House of Lords during the Civil War*: by W. S. McKechnie, [584](#)
- *The parallel between the English and American civil wars*, [220](#)
- Fisher (H. A. L.) *The republican tradition in Europe*: by G. B. Hertz, [803](#)
- Fitzler (K.) *Steinbrüche und Bergwerke im Ptolemäischen und Römischen Agypten*, [829](#)
- Formby (J.) *The American Civil War: a concise history of its causes, progress, and results*: by W. B. Wood, [405](#)
- Fortescue (J. W.) *A history of the British army*, v, vi: by J. E. Morris, [608](#)
- Foster (W.) *The English factories in India* [1634-6], [628](#)
- Frere (W. [H.](#)) & Kennedy (W. McC.) *Visitation articles and injunctions of the period of the Reformation*: by the Rev. Professor Watson, [782](#)
- Fryer (J.) *A new account of East India and Persia*, ed. by W. Crooke, i: by A. F. R. Hoernlé, [795](#)
- GALLAVRESI (G.) *Carteggio del conte Federico Confalonieri*: by H. C. Gutteridge, [403](#)
- Gentil de Vendosme (P.) & Achélin (A.) *Le siège de Malte par les Turcs en 1565*, [208](#)
- Goetz (W.) *König Robert von Neapel*, [836](#)
- Gregg (W. [H.](#)) *Controversial issues in Scottish history*, [636](#)
- Griois (général) *Mémoires*, ed. by A. Chuquet, [214](#)
- Grueber (H. A.) *Coins of the Roman Republic in the British Museum*: by Professor Goligher, [548](#)
- HAMPE (K.) *Beiträge zur Geschichte der letzten Staufer*: by H. W. C. Davis, [573](#)
- Hardenbroek (Gijbert Jan van) *Gedenkschriften* [1747-87], [844](#)
- Hardman (W.) *History of Malta during the period of the French and British occupations* [1798-1815], [426](#)
- Hardy (E. G.) *Six Roman Laws*: by Professor Goligher, [755](#)
- Harris (C. A.) & Villiers (J. A. J. de) *Storm Van's Gravesande; the rise of British Guiana compiled from his dispatches*: by Professor Egerton, [392](#)
- Hartung (F.) *Geschichte des fränkischen Kreises, i*: by Professor Pollard, [780](#)
- Harvard studies in classical philology*, xx, [619](#)
- Hayem (F.) *Le maréchal d'Ancre et Léonora Galigai*: by Miss C. Maxwell, [388](#)
- Hazen (C. D.) *Europe since 1815*, [634](#)
- Hearnshaw (F. J. C.) *Leet jurisdiction in England*: by H. D. Hazeltine, [778](#)
- *A short history of Southampton*, [432](#)
- Heidrich (E.) *Preussen im Kampfe gegen die Französische Revolution bis zur zweiten Theilung Polens*, [213](#)
- Heitland (W. E.) *The Roman republic*: by H. S. Jones, [149](#)
- Hempl (G.) *The Phaestos disk*, [616](#)
- Herre (P.) *Quellenkunde zur Weltgeschichte*: by Professor Powicke, [543](#)
- Hilkey (C. J.) *Legal development in Colonial Massachusetts* [1630-86], [210](#)
- Hirsch (P.) *Die Erhebung Berengars I von Friaul zum König in Italien*, [412](#)
- Hirst (T. O.) and Wylid (H. C.) *The place-names of Lancashire*: by H. Bradley, [821](#)
- Historical Society, Transactions of the Royal*, 3rd ser., iv, [837](#)
- Historisk Tidsskrift*, 8th ser., ii, [430](#)
- Hodgson (F. C.) *Venice in the thirteenth and fourteenth centuries*: by W. Miller, [572](#)

- Hollander (J. H.) *David Ricardo*, 633
- Holmes (T. Scott) *The origin and development of the Christian church in Gaul*: by E. W. Brooks, 758
- Huguenot Society.—*Denizations and naturalizations of aliens* [1603–1700], 839
- Hutton (E.) *In unknown Tuscany*, 640
- JACOB (K.) *Studien über Papst Benedikt XII* [1334–42], 624
- James (Grace) *Joan of Arc*, 417
- Jausserat-Radel (A.) *Papiers de Barthélemy*, vi: by J. Holland Rose, 396
- Jayne (K. G.) *Vasco da Gama and his successors*, 417
- Jireček (C.) *Geschichte der Serben*. i: by W. Miller, 761
- Joannis Saresberiensis *Policraticus*, ed. by C. C. J. Webb: by Sir J. E. Sandys, 165
- Johnen (J.) *Philipp von Elsass, Graf von Flandern*, 619
- Johnson (A. H.) *The disappearance of the small landowner*, 204
- Jones (K. M.) *The quakers in the American colonies*, 843
- Jung (R.) *Die Englische Flüchtlings-gemeinde in Frankfurt am Main* [1554–9], 208
- KAMPERS (F.) *Karl der Grosse*, 833
- Kay-Shuttleworth (Nina L.) *A life of Sir Woodbine Parish*, 634
- Keith (Theodora) *Commercial relations of England and Scotland* [1603–1707], 422
- Kemp (P. H. van der) *De teruggave der Ost-Indische koloniën* [1814–16], 429
- Kennedy (W. McC.) & Frere (W. H.) *Visitation articles and injunctions of the period of the Reformation*: by the Rev. Professor Watson, 782
- Kirch (C.) *Enchiridion fontium historiarum ecclesiasticarum antiquarum*, 618
- Klingenstein (L.) *The great infant*, 842
- Kroell (M.) *L'immunité Franque*: by H. W. C. Davis, 764
- Kulczycki (L.) *Geschichte der Russischen Revolution*, i, 635
- LACOMBE (P.) *La première Commune révolutionnaire de Paris*, 845
- Lacombe (B. de) *La vie privée de Talleyrand*, 213
- La Mantia (G.) *Documenti su le relazioni del Re Alfonso III di Aragona con la Sicilia*, 416
- Lambeau (L.) *Bercy*, 639
- Latouche (R.) *Histoire du comté du Maine pendant le X^e et le XI^e siècle*: by H. W. C. Davis, 565
- Lavisse (E.) *Histoire de France*, ix, i, 425
- Leadam (I. S.) *Select cases before the king's council in the Star Chamber*, ii [1509–44]: by J. Gairdner, 580
- Lee (Sir S.) *The French renaissance in England*: by A. Tilley, 173
- Leland (John), *Itinerary*, ed. by Miss L. Toulmin Smith, 420
- Le Roux (L.) *L'armée romaine de Bretagne*, 830
- Levy (H.) *Large and small holdings*, Engl. tr., 848
- Lincolniensis diocesis, *Rotuli Roberti Grosseseleste*, i, ii, 835
- Livi (G.) *Dall' archivio di Francesco Datini, mercante Pratese*: by C. Johnson, 172
- Lobengier (C. S.) *The people's law or popular participation in law-making*, 219
- Lodge (R.) *The history of England from the Restoration to the death of William III* [1660–1702]: by the Rev. R. H. Murray, 791
- Loew (E. A.) *Studia palaeographica*, 833
- London diocese, *Registers of*, 624
- London, *The Victoria history of*: by Professor Haverfield and the Rev. Professor Watson, 556
- Lot (F.) *Mélanges d'histoire bretonne*, 412
- Lucca, *Regesto del capitolo di*, ed. by P. Guidi and O. Parenti, i, 834
- Lukach (H. C.) *A bibliography of Sierra Leone*, 432
- Lumsden (C. B.) *The dawn of modern England, being a history of the Reformation in England* [1509–1525], 206
- Luzzatti (L.) *Liberté de conscience et liberté de science*: by P. V. M. Benecke, 197
- Lydgate (J.) *The serpent of division*, ed. by H. N. MacCracken, 625
- MACDONALD (G.) *The Roman Wall in Scotland*: by H. Stuart Jones, 757
- McIlwain (C. H.) *The high court of Parliament and its supremacy*: by G. B. Hertz, 408

- Macwilliam (H. D.) *Official records of the mutiny of the Black Watch*, 630
- Mähl (H.) *Die Überleitung Preussens in das konstitutionelle System durch den zweiten Vereinigten Landtag*, 217
- Maitland (F. W.) *Collected papers*, 832
- Mandonnet (P.) *Des écrits authentiques de S. Thomas Aquin*: by W. H. V. Reade, 576
- Marcks (E.) *Die Einheitlichkeit der Englischen Auslands politik von 1500 bis zur Gegenwart*, 204
- Marzali (H.) *The letters and journal of Count Charles Leiningen-Westerburg*: by the Master of Peterhouse, Cambridge, 814
- Marlo (R. van) *Hoorn au moyen-âge*, 416
- Martin (J.) *Gustave Vasa et la réforme en Suède*, 840
- Maryland Historical Magazine, v. 4, 629
- Massachusetts Historical Society, *Proceedings of*, 1910, 425
— February 1911, 633
- Mathiez (A.) *Contributions à l'histoire religieuse de la Révolution française, and Rome et le clergé français sous la Constituante*: by L. G. Wickham Legg, 805
- Matthieson (W. L.) *The awakening of Scotland; a history from 1747 to 1797*: by the Rev. J. Wilcock, 587
- Mattingly (H.) *The imperial civil service of Rome*, 617
- Maxwell (Sir H.) *A century of empire, iii [1801-1900]*, 636
- Meynadier (R.) *L'idée républicaine dans les pays monarchiques de l'Europe*: by G. B. Hertz, 803
- Moorman (F. W.) *The place-names of the West Riding of Yorkshire*: by H. Bradley, 821
- More (Sir Thomas) *Utopia*, ed. by G. Sampson, 419
- Morris (J. E.) & Jordan (H.) *An introduction to the study of local history and antiquities*, 831
- Morris (W. A.) *The frankpledge system*: by H. W. C. Davis, 387
- Morse (H. B.) *The international relations of the Chinese Empire; the period of conflict, 1834-60*: by Professor Bullock, 610
- Murdoch (J.) *A history of Japan from the origins to A. D. 1542*: by J. H. Gubbins, 358
- Murray (W. S.) *The making of the Balkan States*, 220
- NEUKIRCH (A.) *Der niedersächsische Kreis und die Kreisverfassung bis 1512*: by Professor Pollard, 780
- New York, *Minutes of the executive council of the province of [1668-73]*, 628
- Niedersachsen, *Zeitschrift des Historischen Vereins für*, 424
- Niese (H.) *Die Gesetzgebung der normannischen Dynastie im Regnum Siciliae*: by Professor Haskins, 369
- Nypols (G.) *Hoe Nederland Ceilon verloor*, 214
- OMAN (C. W. C.) *A History of England to 1666*: by F. G. M. Beck, 553
— *Column and line in the Peninsular War*, 216
- Oppermann (O.) & Brugmans (H.) *Atlas der Nederlandsche Palaeographie*, 200
- Owen (E.) & Palmer (A. N.) *A history of ancient tenures of land in North Wales and the Marches*: by F. Morgan, 365
- Oxford studies in social and legal history*, ii, ed. by P. Vinogradoff: by Professor Tait, 770
- PÆTOW (L. J.) *The Arts course in mediæval universities*: by the Rev. H. Rashdall, 379
- Palmer (A. N.) & Owen (E.) *A history of ancient tenures of land in North Wales and the Marches*: by F. Morgan, 365
- Papinot (E.) *Historical and geographical dictionary of Japan*: by J. H. Gubbins, 358
- Pascal (C.) *Epicurei e mistici*, 830
- Pecham, Johannis, *Registrum*, 202
- Peerage, Complete*, ed. by V. Gibbs, i, 221
- Pelham (H. F.) *Essays on Roman History*: by W. Warde Fowler, 546
- Pfeilschifter (G.) *Die Germanen im Römischen Reich; Theoderich der Grosse*: by E. W. Brooks, 560
- Pipe Rolls*, 27 & 28 Henry II, 414
- Plummer (C.) *Vitæ sanctorum Hiberniæ*: by Norman Moore, 562
- Powell (E.) *A Suffolk hundred in the year 1283*, 621
- Privy Council, Acts of the, colonial series*, ii, iii, ed. by W. L. Grant and J. Munro, 210
- Prou (M.) *Manuel de paléographie latine et française*, 3rd ed., 617

- Püschel (A.) *Das Anwachsen der deutschen Städte in der Zeit der mittelalterlichen Kolonialbewegung*, 413
- Putnam (F. J.) *The lady*: by E. Armstrong, 818
- REIN (A.) *Die Teilnahme Sardiniens am Krimkrieg und die öffentliche Meinung in Italien*, 218
- Rhÿs (Sir J.) *Notes on the Calendar of Coligny*: by E. J. Gwynn, 356
- Richard (J. W.) *Confessional history of the Lutheran Church*, 419
- Richter (M.) *Kultur und Reich der Marats*, 217
- Riess (L.) *Zur Vorgeschichte der Magna Carta*, 201
- Rivoira (G. T.) *Lombardic architecture: its origin, development, and derivatives*: by Professor Baldwin Brown, 360
- Robertson (C. G.) *England under the Hanoverians*: by D. A. Winstanley, 801
- Robertson (W. S.) *Francisco de Miranda and the revolutionizing of Spanish America*, 427
- Rochemonteix (C. de) *Nicolas Caussin, confesseur de Louis XIII, et le Cardinal de Richelieu*: by Miss C. Maxwell, 583
- Roersch (A.) *L'Humanisme belge à l'époque de la renaissance*, 626
- Rogers (J. D.) *Historical geography of the British colonies*, v. 3, 4, 849
- Roma, *Bollettino bibliografico delle pubblicazioni Italiane e straniere edite su*, i, ii, 200
- Roman (J.) *Inventaire des sceaux de la collection des Pièces Orientales du Cabinet des Titres à la Bibliothèque Nationale*, i: by C. Johnson, 198
- Romanic review*, ii, 1, 619
- Rome, *Papers of the British School at*, 617
- Rooseboom (M. P.) *Scottish staple in the Netherlands*, 622
- Rose (J. Holland) *William Pitt and national revival*: by Professor Egerton, 589
- Rott (E.) *Histoire de la représentation diplomatique de la France auprès des cantons suisses, de leurs alliés, et de leurs confédérés*, iv, 210
- Round (J. H.) *The King's serjeants and officers of state with their coronation services*: by Professor Powicke, 774
- SABATIER (P.) *La visite de Jacqueline de Settesoli à S. François*, 834
- Sagnac (Ph.) *La révolution du 10 août 1792: la chute de la royauté*: by Professor Montague, 190
- Sandys (Sir J. E.) *A companion to Latin studies*, 829
- Sarpi (P.) *Neue Briefe [1608-16]*, ed. by D. Karl Benrath: by Horatio F. Brown, 181
- Scacarii, *Arresta communia*, 836
- Schmidt (L.) *Geschichte der deutschen Stämme bis zum Ausgange der Völkerwanderung*, i: by E. W. Brooks, 154
- Schnürer (G.) *Das Necrologium des Cluniacenser - Priorates Münchenweiler*: by Miss A. M. Cooke, 773
- Scholz (R.) *Die Publizistik zur Zeit Philipps des Schönen und Bonifaz VIII*: by the Rev. A. J. Carlyle, 162
- Schwemer (R.) *Geschichte der freien Stadt Frankfurt a. M.*, i [1814-66]: by C. Brinkmann, 808
- Scotland, *Accounts of the Lord High Treasurer of*, viii [1541-6], ed. by Sir J. B. Paul: by R. S. Rait, 175
- Scott (E.) *Terre Napoléon: a history of French explorations and projects in Australia*: by E. Heawood, 397
- Scott (W. R.) *The constitution and finance of English, Scottish, and Irish joint-stock companies to 1720*, ii, iii, 629
- Seaton (A.) *The theory of toleration under the later Stuarts*, 628
- Seeholzer (H.) *Die letzten Tage des Ministeriums Emil Ollivier*, 429
- Shakespeare (William) *The third part of King Henry the sixth*, ed. by H. C. Hart, 209
- Simpson (F. A.) *The rise of Louis Napoleon*: by W. Miller, 404
- Sirr (H.) *Ashburnham House and the precincts of Westminster Abbey*, 223
- *Ipsissima verba*, 847
- Skeat (W. W.) *The place-names of Berkshire*, 637
- Somerset, *Quarter Sessions records for the county of*, ed. by E. H. Bates Harbin: by Professor Firth, 179
- Sourdille (C.) *La durée et l'étendue du voyage d'Hérodote en Egypte, et Hérodote et la religion de l'Égypte*: by F. Ll. Griffith, 545
- Specimina Codicum Græcorum*, ed. by P. F. de' Cavalieri and J. Lietzmann, 200

- Spence-Jones (H. D. M.) *The Early Christians in Rome*, [411](#)
- Srbik (H. von) *Wilhelm von Schröder, ein Beitrag zur Geschichte der Staatswissenschaften*, [423](#)
- Stählin (K.) *Sir Francis Walsingham und seine Zeit*, i: by Professor Pollard, [176](#)
- Statesman's year-book*, 1911, [640](#)
- Stawell (Colonel) *A Quantock family: the Stawells of Cothelstone and their descendants*, [431](#)
- Steiner (B. C.) *Maryland under the Commonwealth*, [842](#)
- Stenton (F. M.) *The place-names of Berkshire*, [637](#)
- Stern (A.) *Geschichte Europas von 1830 bis 1848*, ii, iii: by H. A. L. Fisher, [810](#)
- Stewart-Brown (R.) *Accounts of the chamberlains and other officers of the county of Chester, 1301-60*: by Professor Tout, [578](#)
- Stockmann (A.) *Thomas Moore, der irische Freiheitsdichter*, [427](#)
- Stutz (U.) *Kirchenrechtliche Abhandlungen*: by the Rev. A. J. Carlyle, [162](#)
- Swift (Jonathan), *Correspondence*, i, ed. by F. Elrington Ball: by Professor Firth, [391](#)
- TAMARATI (M.) *Istoria Cal'holicobisa Kart'hvel'ha shoris, Pasukhad Somkhis mserlebs romelnitz warqo-p'hen Kart'hvel Cal'holicobas, and L'Eglise Géorgienne des origines jusqu'à nos jours*: by O. Wardrop, [614](#)
- Tarlé (E.) *L'industrie dans les campagnes en France à la fin de l'ancien régime*, [631](#)
- Theal (G. McCall) *History and ethnography of Africa south of the Zambesi [1505-1795]*, [206](#)
- Thompson (J. W.) *The wars of religion in France [1559-76]*: by Professor Pollard, [783](#)
- Turner (H. G.) *The first decade of the Australian Commonwealth*, [636](#)
- ULBRICHT (W.) *Bunsen und die deutsche Einheitsbewegung*: by the Master of Peterhouse, Cambridge, [812](#)
- VALENTIN (V.) *Fürst Karl Leiningen und das Deutsche Einheitsproblem*: by the Master of Peterhouse, Cambridge, [192](#)
- Vaticani, Codices selecti*, ii, [834](#)
- Verriest (L.) *Le servage dans le comté de Hainaut*: by Professor Unwin, [768](#)
- Viard (P.) *Histoire de la dime ecclésiastique*: by the Rev. Professor Watson, [158](#)
- Villiers (J. A. J. de) & Harris (C. A.) *Storm Van's Gravesande; the rise of British Guiana compiled from his dispatches*: by Professor Egerton, [392](#)
- Vollmer (F.) *Friedrich Wilhelm I und die Volksschule*: by the Master of Peterhouse, Cambridge, [586](#)
- WALKER (J. W.) *A history of Maidenhead*, [637](#)
- Watney (V. J.) *Cornbury and the forest of Wyckwood*, [638](#)
- Weber (F.) *Beiträge zur Charakteristik der älteren Geschichtsschreiber über Spanisch-Amerika*, [838](#)
- Welschinger (H.) *La guerre de 1870: causes et responsabilités*: by F. A. Simpson, [194](#)
- Weyhmann (A.) *Die merkantilistische Währungspolitik Herzog Leopolds von Lothringen*, [844](#)
- Wilkinson (S.) *Hannibal's march*, [830](#)
- Williams (H. N.) *Henri II*, [842](#)
- Wilpert (G.) *La cripta dei Papi e la cappella di Santa Cecilia nel cimitero di Callisto*: by the Rev. H. M. Bannister, [551](#)
- Wittichen (F. C.) *Briefe von und an Friedrich von Gentz*, i, ii: by the Master of Peterhouse, Cambridge, [592](#)
- Worcester, *Compotus rolls of the priory of, for the XIV and XV centuries*, ed. by S. G. Hamilton, [203](#)
- Wyld (H. C.) & Hirst (T. O.) *The place-names of Lancashire*: by H. Bradley, [821](#)
- Zuchardt (K.) *Die Finanzpolitik Bismarcks und die Parteien im nord-deutschen Bunde*, [218](#)

LIST OF WRITERS

- ARMSTRONG, E., 818
 Atkinson, C. T., 398
- BANNISTER, the Rev. H. M., 551
 Baskerville, Geoffrey, 371
 Beaven, the Rev. A. B., 139
 Beck, Egerton, 124, 498
 Beck, F. G. M., 553
 Benecke, P. V. M., 197
 Blackie, the Rev. E. M., 448
 Bradley, Henry, 821
 Brinkmann, C., 582, 808
 Brooke, Z. N., 225
 Brooks, E. W., 154, 353, 560, 758, 766
 Brown, Professor G. Baldwin, 360, 762
 Brown, Horatio F., LL.D., 181
 Bullock, Professor T. L., 610
 Burrage, Champin, 526
 Bury, Professor J. B., LL.D., D.Litt., 156
- CARLYLE, the Rev. A. J., D.Litt., 162
 Chance, J. F., 278
 Clark, Albert C., 550
 Compston, the Rev. H. F. B., 738
 Cooke, Miss A. M., 773
 Crump, C. G., 331
- DAVIS, H. W. C., 84, 168, 367, 565, 573, 764
 Dickson, W. K., 787
- EGERTON, Professor H. E., 183, 392, 589, 798
- FEILING, K. G., 333
 Firth, Professor C. H., LL.D., Litt.D., 179, 391, 751, 785, 796
 Fisher, H. A. L., 807, 810
 Fowler, W. Warde, Litt.D., 546
 Fox, John Charles, 317
- GAIRDNER, James, C.B., LL.D., D.Litt., 580
 Geldart, Professor W. M., 239
 Gibson, Strickland, 501
 Gilson, J. P., 512
 Goligher, Professor W. A., Litt.D., 548, 755
 Griffith, F. LL., 545
 Gubbins, J. H., C.M.G., 358
 Gutteridge, H. C., 403
 Gwynn, E. J., 356
- HASKINS, Professor C. H., 326, 369, 433, 491, 641
 Haverfield, Professor F., LL.D., 556
 Hazeltine, H. D., D.Jur., 778
 Heawood, E., 397
 Hertz, Gerald B., 57, 408, 612, 803
 Hodgkin, T., D.C.L., Litt.D., 159
 Hoernlé, A. F. R., C.I.E., 795
 Howorth, Sir Henry H., K.C.I.E., 1
- JOHNSON, C., 172, 198
 Johnstone, Miss Hilda, 185, 267, 789
 Jones, H. Stuart, 149, 153, 355, 757
- KINGSFORD, C. L., 579, 759
- LEGG, L. G. Wickham, 805
 Liebermann, Professor F., D.C.L., LL.D., 380, 640
- MADAN, F., 328, 640
 Marsden, R. G., 34
 Maxwell, Miss Constantia, 388, 583
 McKechnie, W. S., 584
 Miller, William, 404, 572, 761
 Montague, Professor F. C., 190, 394, 599
 Moore, Norman, M.D., F.R.C.P., 562
 Morgan, F., 365
 Morris, J. E., D.Litt., 608
 Murray, the Rev. R. H., Litt.D., 791
- PEEL, Albert, 338
 Pickford, Miss M. A., 703
 Pollard, Professor A. F., 176, 177, 257, 780, 783
 Poole, Miss Dorothy Lane, 535
 Poole, Reginald L., LL.D., 310
 Powicke, Professor F. M., 89, 543, 571, 774
- RAIT, R. S., 175
 Ramsay, Sir J. H., Bt., LL.D., 97, 329, 432, 749
 Rashdall, the Rev. Canon H., D.Litt., 379
 Reade, W. H. V., 576
 Rhodes, W. E., 187, 383
 Rose, J. Holland, Litt.D., 396, 604
 Round, J. H., LL.D., 724
 Routh, Miss E. M. G., 469
 Rushforth, G. McN., 605
- SALTER, the Rev. H. E., 487, 727
 Sandys, Sir J. E., Litt.D., 165
 Scott, Miss Eva, 390
 Simpson, the Rev. F. A., 194
 Smith, Miss L. Toulmin, 568
 Souter, Professor A., D.Litt., 552
 Stenton, F. M., 93
 Stevenson, W. H., 482
- TAIT, Professor James, 770
 Thompson, Sir E. Maunde, G.C.B., D.C.L., 76
 Tilley, Arthur, 173
 Tout, Professor T. F., 578
- UNWIN, Professor G., 768
- VICKERS, K. H., 777
 Vinogradoff, Professor P., D.C.L., 561
- WARD, A. W., LL.D., Litt.D., Master of Peterhouse, Cambridge, 192, 586, 592, 812, 814
 Wardrop, Oliver, 614
 Watson, the Rev. Professor E. W., D.D., 158, 387, 559, 782
 Wilkinson, Maurice, 127, 224
 Wilcock, the Rev. John, 587
 Winstanley, D. A., 801
 Wood, W. B., 405, 816

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VOL. XXVI. NO. 101. JANUARY 1911

THE ENGLISH HISTORICAL REVIEW

EDITED BY

REGINALD L. POOLE, M.A., LL.D.

ASSISTED BY THE EDITORS OF THE *Quarterly Review* AND THE *English Historical Review*

CONTENTS

Articles

- Ragnvald Ivarson and Jarl Otir. By Sir Henry H. Howorth, K.C.I.E. 183
- Cluny and Gregory VII. By Miss L. M. Smith 20
- Early Prize Jurisdiction and Prize Law in England. By R. G. Marsden.
Part III. 30
- Bishop Seabury. By Gerald B. Hertz 40
- Léopold Delisle. By Sir E. Maunde Thompson, G.C.B., D.C.L. 50

Notes and Documents

- Waldric, the Chancellor of Henry I. By H. W. C. Davis 60
- The Honour of Mortain in the Norman Infeudations Militum of 1172.
By Professor Powicke 70
- Early Manumissions at Staunton, Nottinghamshire. By F. M. Stenton 80
- Customs Revenue of Edward II. By Sir James H. Ramsay, Bt., LL.D. 90
- A Visitation of the Archdeaconry of Totnes in 1342. By G. G. Coulton 100
- Two Bulls of Boniface IX for the Abbot of St. Osyth. By Egerton
Beck 110
- Documents illustrating the Wars of Religion, 1569-1573. By Maurice
Wilkinson 120
- List of Opposed Elections on taking Office. By the Rev. Alfred B.
Beaven 130

Reviews of Books (see List on next page) 140

Short Notices (see List on next page) 150

TO BE CONTINUED QUARTERLY

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VOL. XXVI. No. 102, APRIL 1911

THE ENGLISH HISTORICAL REVIEW

FOUNDED BY

REGINALD L. POOLE, M.A., LL.D.

Edited by the Master of the University of London, and by the Rev. Canon E. B. Hale

CONTENTS

	PAGE
<u>Pope Gregory VII's Demand for Penance from William the Conqueror.</u> By Z. N. Brooke	255
<u>The Year Books of Edward II.</u> By Professor W. M. Goldart	277
<u>The Letters and Papers of Henry VIII.</u> By Professor A. F. Pollard	287
<u>Two Governors of Shrewsbury during the Great Civil War and the Interregnum.</u> By Miss Hilda Johnston	297
<u>George I and Peter the Great after the Peace of Nystad.</u> By J. F. Chalco	307
<u>Notes and Documents</u>	
<u>Burgundian Notes. I. The Alpine Son-in-law of Edward the Elder.</u> By R. L. Poole	308
<u>Mary, Abbess of Shaftesbury.</u> By John Charles Fox	309
<u>The Inquest of 1171 in the Avranchin.</u> By Professor C. H. Haskins	320
<u>Grant by King Robert Bruce of the Sherifdom of Trematry, 1345.</u> By F. Madan	328
<u>The Origin of the Name "Pipe Roll."</u> By Sir James H. Ramsay, Bt., LL.D.	336
<u>The Arrest of Roger Mortimer and Queen Isabel.</u> By C. G. Crump	341
<u>An Essex Manor in the Fourteenth Century.</u> By K. G. Feilding	343
<u>A Puritan Survey of the Church in Staffordshire in 1604.</u> By Albert Poole	348
<u>Reviews of Books (see List on next page)</u>	351
<u>Short Notices (see List on next page)</u>	410

TO BE CONTINUED QUARTERLY

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REVIEWS OF BOOKS

Rossell, <i>The Roman Empire</i> , by P. W. Brooks	353	DeLany, <i>The Juridical Principles</i> , may be dated into some 20 years before 1790, by the Rev. Thomas Watson, LL.D.	354
Carl, <i>A Roman Frontier Post</i> , by H. Stuart Jones	358	Havem, <i>The Memoirs of James Oglethorpe</i> , by Mrs. Oglethorpe, II. well.	359
Rlys, <i>Notes on the Calendar of Chazay</i> , by E. J. Gwynn	370	<i>Facts relating to the Civil War in England</i> , by J. A. Atkinson, by Mrs. J. A. Scott	360
Murdoch, <i>A History of Japan from the Origins to 1342</i> , by J. H. Gubbins	378	Swift, <i>Correspondence</i> , vol. III, by Philip Firth, LL.D.	361
Papurot, <i>Historical and Geographical Dictionary of Japan</i> , by J. H. Gubbins	383	Harris and De Villiers, <i>Some European Voyages</i> , the <i>Exile of British Goods</i> , by Professor Egerton	362
Riviera, <i>Lombard Architecture</i> , English, by Professor Baldwin Brown	386	Danton, <i>Discours</i> , ed. <i>Frémont</i> , by Professor Montague	363
Palmer and Owen, <i>Incident Features of Land in North Wales and the Marches</i> , by E. Morgan	394	Jausserat-Radel, <i>Papiers de Barthélemy</i> , by J. Holland Rose, Litt.D.	364
Morris, <i>The Frankpledge System</i> , by H. W. C. Davis	397	Scott, <i>Le Napoléon</i> , by Edward Howard	365
Niese, <i>Die Gestaltung der germanischen Dynastie in Regnum Siciliæ</i> , by Professor Haskins	399	Corbett, <i>The Campaign of Trafalgar</i> , by C. T. Atkinson	371
Havilohn, <i>Geschichte von Florenz und Forschungen an Geschichte von Florenz</i> , iv, by G. Baskerville	371	Gallavresi, <i>Carteggio del Conte Francesco</i> , by H. C. Guttentag	372
Portow, <i>The Arts Course in Medical Universities</i> , by the Rev. Canon Rashdall, D.Litt.	379	Simpson, <i>The Rise of Louis Napoleon</i> , by William Miller	373
<i>Calendar of the Plea Rolls of the Exchequer of the Jews</i> , in, Edward I, 1273-5, by Professor F. Liebermann, D.C.L.	380	Forbly, <i>The American Civil War</i> , by W. B. Wood	381
Borrelli de Serres, <i>Recherches sur divers Services publics du xiv^e au xv^e siècle</i> , in, by W. F. Rhodes	383	Mellwin, <i>The High Court of Parliament and its Supremacy</i> , by Gerald H. Heitz	384

SHORT NOTICES

Deleuse, <i>Instructions pour la Rédaction d'un Catalogue de Manuscrits et pour la Rédaction d'un Inventaire des Incunables</i>	416	The Cambridge History of English Literature, V, vi	
Bouché-Leclercq, <i>Leçons d'Histoire romaine</i>	416	F. Keith, <i>Commercial Relations of England and Scotland</i> (1605-1707)	
Dubois, <i>Philosophie antique</i>	419	A. Cunningham, <i>British English in the Napoleonic War</i>	
Spence Jones, <i>The Early Christians in Rome</i>	411	Srbik, <i>Wilhelm von Schöner</i>	
Hans, <i>The Constitution of the Later Roman Empire</i>	411	<i>Zeitschrift des historischen Vereins für Niedersachsen</i> , 1911	
Gildoe Vita et Translatio, ed. Lot	412	Du Breil de Pontbriand, <i>Le Canada Français</i>	
Hirsch, <i>Die Erhebung Berengars I von Friaul zum König in Italien</i>	412	<i>Annales de Bretagne</i> , xxv, 2 (1910)	
Cohn, <i>Geschichte der normannisch-sächsischen Herrschaft unter der Regierung Rogers I und Rogers II</i>	413	Lavisse, <i>Histoire de France</i> , ix, 1	
Borchel, <i>Das Anwachsen der deutschen Städte in der Zeit der mittelalterlichen Kolonialbewegung</i>	413	<i>Proceedings of the Massachusetts Historical Society</i> , 1910	
<i>The Great Rolls of the Pipe</i> , 27 and 28 Henry II	414	Dnbreuil, <i>La Rivintine dans le Département des Côtes-du-Nord</i>	
Eudres, <i>Thomas von Aquin</i>	415	Eicke, <i>Der ostpreussische Landtag von 1717</i>	
La Mantia, <i>Documenti su le Relazioni di Re Alfonso III di Aragona con la Serbia</i>	416	Hardman, <i>History of Malta 1798-1813</i>	
Marle, <i>Hogin au Moyen-Âge</i>	416	Robertson, <i>François de Montcalm</i>	
G. James, <i>Joan of Arc</i>	417	Stockmann, <i>Thomas Moore der Freirechtsmänner</i>	
Jayne, <i>Vasco da Gama and his Successors—Asta Pontificum Daiva</i> , iv	418	<i>The Dickson Manuscripts, 1612-1661</i>	
More's Utopia, ed. by G. Sampson	419	Van der Kemp, <i>Die Tschernische Indische Kolonien</i>	
Richard, <i>The Confessional History of the Lutheran Church</i>	419	Sechholzer, <i>Die letzten Tage der Anwesenheit Olufsen</i>	
Iceland's Itinerary, ed. by L. Toulmin Smith, ix, x	420	Cunningham, <i>Growth of English Industries in Commerce</i> , i, new ed.	
Boehmer, <i>Les Juives</i> , French tr.	421	Armstrong, <i>The Empire of China</i> , v, 2nd ed.	
Petrus Cassinius, <i>Epistulae et Acta</i> , v.	421	Bryce, <i>American Commonwealth</i> , 1891-1901	
Deichert, <i>Die akademische Freiheit in Deutschland</i>	421	<i>Historical Tidsskrift</i> , 26, series 2	
		Stawell, <i>A Quaker Family in New-England</i>	
		<i>Coltheslow</i>	
		Hearnshaw, <i>A Short History of Somerset</i>	
		Lukach, <i>Bibliography of Soviet Literature</i>	

It is desirable to state that Schoolbooks are not as a rule noticed in this Review.

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KEEPER OF THE ARCHIVES OF THE UNIVERSITY OF OXFORD AND FELLOW OF MAGDALEN COLLEGE

CONTENTS

Articles

PAGE

<u>England and Sicily in the Twelfth Century.</u> By Professor C. H. Haskins	443
<u>Reginald Pecock.</u> By the Rev. E. M. Blackie	448
<u>The English at Tangier.</u> By Miss E. M. G. Routh	460

Notes and Documents

<u>A Latin Poem addressed to King Athelstan.</u> By W. H. Stevenson	482
<u>A Dated Charter of Henry I.</u> By the Rev. H. E. Salter	487
<u>Adelard of Bath.</u> By Professor Haskins	491
<u>The Order of the Temple at North Ferriby.</u> By Egerton Beck	498
<u>Confirmations of Oxford Chancellors in the Lincoln Episcopal Registers.</u> By Strickland Gibson	501
<u>A Defence of the Proscription of the Yorkists in 1459.</u> By J. P. Gilson	512
<u>Anna Trapnel's Prophecies.</u> By Champlin Burrage	526
<u>Some Unpublished Letters of George Savile, Lord Halifax, to Gilbert Burnet.</u> By Miss Dorothy Lane Poole	535

<u>Reviews of Books (see List on next page)</u>	543
---	-----

<u>Short Notices (see List on next page)</u>	616
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